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83d CONGRESS
1ST SESSION

S. 83

IN THE SENATE OF THE UNITED STATES

JANUARY 7 (legislative day, JANUARY 6), 1953

Mr. CORDON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

Relating to the administrative jurisdiction of certain public lands
in the State of Oregon.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purposes of the Act entitled "An Act relating
4 to the revested Oregon and California Railroad and recon-
5 veyed Coos Bay Wagon Road grant lands, situated in the
6 State of Oregon", approved August 28, 1937 (50 Stat.
7 874), and Acts amendatory thereof, the authority of the
8 Secretary of the Interior with respect to the administra-
9 tion of the revested Oregon and California Railroad grant
10 lands shall be deemed to extend to, among other lands, all
11 the unpatented lands in the odd-numbered sections included

1 within the indemnity limits of the grant made to such rail-
2 road by the Act of July 25, 1866 (14 Stat. 239), as
3 amended, and for which payment was made by the United
4 States to such railroad or its successors in interest under
5 the Act of June 9, 1916 (39 Stat. 218), except the por-
6 tions of such unpatented lands which have been specifically
7 placed under the jurisdiction of an executive department
8 (other than the Department of the Interior) since June 9,
9 1916, by an Act of Congress.

10 SEC. 2. The Secretary of the Interior and the Secretary
11 of Agriculture are authorized and directed, as soon as prac-
12 ticable after the enactment of this Act, to exchange adminis-
13 trative jurisdiction of revested Oregon and California Railroad
14 grant lands or reconveyed Coos Bay Wagon Road grant
15 lands lying within the boundaries of any national forest.
16 and national-forest lands of approximately equal aggregate
17 value, when by such exchange the administration of the
18 lands will be facilitated: *Provided*, That the said national-
19 forest lands, administrative jurisdiction of which is trans-
20 ferred to the Secretary of the Interior, shall be excluded
21 from the national forest and shall become subject to adminis-
22 tration under the same provisions of law as the revested or
23 reconveyed lands in exchange for which they were trans-
24 ferred, and the revested or reconveyed lands, administrative
25 jurisdiction of which is transferred to the Secretary of Agri-

1 culture, shall become a part of the national forest within
2 the boundaries of which they are situated and subject to
3 administration under the laws applicable to such national
4 forest: *Provided further*, That the revested or reconveyed
5 lands and the national-forest lands, administrative jurisdic-
6 tion of which is exchanged in any county, shall be of
7 approximately equal aggregate value: *Provided further*, That
8 those certain revested Oregon and California Railroad grant
9 lands, described in the Acts of February 11, 1920 (41 Stat.
10 405), September 22, 1922 (42 Stat. 1019), and June 4,
11 1936 (49 Stat. 1460), shall, for the purpose of exchange
12 under the terms of this section, be deemed to be revested
13 Oregon and California Railroad grant lands and subject to
14 exchange for national-forest lands. The exchanges provided
15 for herein shall in each case be evidenced by an order
16 signed by the Secretary of the Interior and the Secretary of
17 Agriculture and such orders shall be transmitted to the
18 Division of the Federal Register for filing and publication.

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon.

By Mr. Condon

JANUARY 7 (legislative day, JANUARY 6), 1953
Read twice and referred to the Committee on Interior
and Insular Affairs

83^d CONGRESS
1ST SESSION

H. R. 2258

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 1953

Mr. ELLSWORTH introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

Relating to the administrative jurisdiction of certain public lands in the State of Oregon.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That for the purposes of the Act entitled "An Act relating
4 to the revested Oregon and California Railroad and recon-
5 veyed Coos Bay Wagon Road grant lands, situated in the
6 State of Oregon", approved August 28, 1937 (50 Stat.
7 874), and Acts amendatory thereof, the authority of the
8 Secretary of the Interior with respect to the administration
9 of the revested Oregon and California Railroad grant lands
10 shall be deemed to extend to, among other lands, all the un-
11 patented lands in the odd-numbered sections included within

1 the indemnity limits of the grant made to such railroad by
2 the Act of July 25, 1866 (14 Stat. 239), as amended, and
3 for which payment was made by the United States to such
4 railroad or its successors in interest under the Act of June 9,
5 1916 (39 Stat. 218), except the portions of such unpatented
6 lands which have been specifically placed under the juris-
7 diction of an executive department (other than the Depart-
8 ment of the Interior) since June 9, 1916, by an Act of
9 Congress.

10 SEC. 2. The Secretary of the Interior and the Secretary
11 of Agriculture are authorized and directed, as soon as prac-
12 ticable after the enactment of this Act, to exchange admin-
13 istrative jurisdiction of revested Oregon and California Rail-
14 road grant lands or reconveyed Coos Bay Wagon Road grant
15 lands lying within the boundaries of any national forest, and
16 national-forest lands of approximately equal aggregate value,
17 when by such exchange the administration of the lands will
18 be facilitated: *Provided*, That the said national-forest lands,
19 administrative jurisdiction of which is transferred to the Secre-
20 tary of the Interior, shall be excluded from the national forest
21 and shall become subject to administration under the same
22 provisions of law as the revested or reconveyed lands in ex-
23 change for which they were transferred, and the revested or
24 reconveyed lands, administrative jurisdiction of which is
25 transferred to the Secretary of Agriculture, shall become a

1 part of the national forest within the boundaries of which
2 they are situated and subject to administration under the laws
3 applicable to such national forest: *Provided further*, That
4 the revested or reconveyed lands and the national-forest
5 lands, administrative jurisdiction of which is exchanged in
6 any county, shall be of approximately equal aggregate value:
7 *Provided further*, That those certain revested Oregon and
8 California Railroad grant lands, described in the Acts of
9 February 11, 1920 (41 Stat. 405), September 22, 1922
10 (42 Stat. 1019), and June 4, 1936 (49 Stat. 1460), shall,
11 for the purpose of exchange under the terms of this section,
12 be deemed to be revested Oregon and California Railroad
13 grant lands and subject to exchange for national-forest lands.
14 The exchanges provided for herein shall in each case be
15 evidenced by an order signed by the Secretary of the Interior
16 and the Secretary of Agriculture and such orders shall be
17 transmitted to the Division of the Federal Register for filing
18 and publication.

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon.

By Mr. ELLSWORTH

JANUARY 29, 1953

Referred to the Committee on Interior and Insular
Affairs

83D CONGRESS
1ST SESSION

S. 2225

IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 8), 1953

Mr. CORDON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That those unselected and unpatented odd-numbered sections
4 within the indemnity limits of the Oregon and California
5 Railroad land grant authorized by the Act of July 25, 1866
6 (14 Stat. 239), as amended by the Act of April 10, 1869
7 (16 Stat. 47), and for which payment was made by the
8 United States to such railroad or its successors in interest
9 under the Act of June 9, 1916 (39 Stat. 218), pursuant to
10 the decree in the case of United States against Oregon and
11 California R. R. Co. (8 F. (2d) 645), which were included

1 within the boundaries of national forests by proclamations of
2 the President of the United States issued under the dates of
3 June 17, 1892, September 28, 1893, October 5, 1906, Janu-
4 ary 25, 1907, March 1, 1907, and March 2, 1907, shall
5 continue to be administered as national-forest lands by the
6 Secretary of Agriculture subject to all laws, rules, and regula-
7 tions applicable to the national forests: *Provided*, That all
8 revenues hereafter derived from said lands and those revenues
9 heretofore derived from such lands and placed in special
10 deposit by agreement between the Secretary of Agriculture
11 and the Secretary of the Interior shall be disposed of in
12 accordance with the provisions of title II of the Act ap-
13 proved August 28, 1937 (50 Stat. 874), and said lands
14 shall not hereafter be subject to the provisions of any other
15 laws or parts of laws which otherwise prescribe the disposal
16 or distribution of receipts from lands of the United States,
17 except that none of the provisions of this Act shall affect
18 revenues heretofore distributed. No part of said lands or
19 the resources thereof shall be subject to exchange under
20 the provisions of this or any other law applicable to national-
21 forest lands or otherwise.

22 SEC. 2. The Secretary of the Interior and the Secretary
23 of Agriculture are authorized and directed, within one year
24 after the enactment of this Act, to exchange administrative

1 jurisdiction of revested Oregon and California railroad grant
2 lands or reconveyed Coos Bay Wagon Road grant lands
3 lying within the boundaries of any national forest, and
4 national-forest lands of approximately equal aggregate value,
5 when by such exchange the administration of the lands
6 will be facilitated. Such exchanges shall be made subject
7 to outstanding contracts, permits or other existing rights:
8 *Provided*, That the said national-forest lands, administrative
9 jurisdiction of which is transferred to the Secretary of the
10 Interior, shall be excluded from the national forest and shall
11 become subject to administration under the same provisions
12 of law as the revested or reconveyed lands in exchange for
13 which they were transferred, and the revested or reconveyed
14 lands, administrative jurisdiction of which is transferred to
15 the Secretary of Agriculture, shall become a part of the
16 national forest within the boundaries of which they are
17 situated and subject to administration under the laws ap-
18 plicable to such national forest: *Provided further*, That
19 subject to the requirement of approximate equal aggregate
20 value for the overall exchange, the revested or reconveyed
21 lands and the national-forest lands, administrative jurisdiction
22 of which is exchanged in any county, shall be approximately
23 equal in area. The exchanges provided for herein shall in
24 each case be evidenced by an order signed by the Secretary

1 of the Interior and the Secretary of Agriculture and such
2 orders shall be transmitted to the Division of the Federal
3 Register for filing and publication.

4 SEC. 3. For the purpose of consolidating and thereby
5 facilitating administration and accounting the Secretary of
6 Agriculture is authorized to designate in the several counties
7 in which the lands described in section 1 of this Act are
8 situated (such designation to be published in the Federal
9 Register), an area of national-forest land of a value sub-
10 stantially equal to the value of the lands in such county from
11 which all revenues shall be disposed of in accordance with
12 the provisions of title II of the Act of August 28, 1937
13 (50 Stat 874), and upon such designation the provisions
14 of that Act shall be applicable to the lands so designated
15 in lieu of the lands described in section 1 of this Act: *Pro-*
16 *vided, however,* That such designation shall not become effec-
17 tive until approved by the county court of the county in
18 which the lands are located.

19 SEC. 4. For the purpose of carrying out the provisions
20 of sections 2 and 3 of this Act there are hereby authorized
21 to be appropriated such sums as the Congress may from time
22 to time determine to be necessary.

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon,
and for other purposes.

By Mr. CORDON

JUNE 26 (legislative day, JUNE 8), 1953

Read twice and referred to the Committee on Interior
and Insular Affairs

83D CONGRESS
1ST SESSION

H. R. 5958

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1953

Mr. ELLSWORTH introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That those unselected and unpatented odd-numbered sections
4 within the indemnity limits of the Oregon and California
5 railroad land grant authorized by the Act of July 25, 1866
6 (14 Stat. 239), as amended by the Act of April 10, 1869
7 (16 Stat. 47), and for which payment was made by the
8 United States to such railroad or its successors in interest
9 under the Act of June 9, 1916 (39 Stat. 218), pursuant to
10 the decree in the case of United States against Oregon and
11 California R. R. Co. (8 F. (2d) 645), which were included

1 within the boundaries of national forests by proclamations of
2 the President of the United States issued under the dates of
3 June 17, 1892, September 28, 1893, October 5, 1906, Janu-
4 ary 25, 1907, March 1, 1907, and March 2, 1907, shall con-
5 tinue to be administered as national-forest lands by the Sec-
6 retary of Agriculture subject to all laws, rules, and regula-
7 tions applicable to the national forests: *Provided*, That all
8 revenues hereafter derived from said lands and those revenues
9 heretofore derived from such lands and placed in special
10 deposit by agreement between the Secretary of Agriculture
11 and the Secretary of the Interior shall be disposed of in
12 accordance with the provisions of title II of the Act approved
13 August 28, 1937 (50 Stat. 874), and said lands shall not
14 hereafter be subject to the provisions of any other laws or
15 parts of laws which otherwise prescribe the disposal or dis-
16 tribution of receipts from lands of the United States, except
17 that none of the provisions of this Act shall affect revenues
18 heretofore distributed. No part of said lands or the resources
19 thereof shall be subject to exchange under the provisions of
20 this or any other law applicable to national-forest lands or
21 otherwise.

22 SEC. 2. The Secretary of the Interior and the Secretary
23 of Agriculture are authorized and directed, within one year
24 after the enactment of this Act, to exchange administrative

1 jurisdiction of revested Oregon and California railroad grant
2 lands or reconveyed Coos Bay Wagon Road grant lands
3 lying within the boundaries of any national forest, and
4 national-forest lands of approximately equal aggregate value,
5 when by such exchange the administration of the lands will
6 be facilitated. Such exchanges shall be made subject to out-
7 standing contracts, permits or other existing rights: *Pro-*
8 *vided*, That the said national-forest lands, administrative
9 jurisdiction of which is transferred to the Secretary of the
10 Interior, shall be excluded from the national forest and shall
11 become subject to administration under the same provisions
12 of law as the revested or reconveyed lands in exchange for
13 which they were transferred, and the revested or reconveyed
14 lands, administrative jurisdiction of which is transferred to the
15 Secretary of Agriculture, shall become a part of the national
16 forest within the boundaries of which they are situated and
17 subject to administration under the laws applicable to such
18 national forest: *Provided further*, That subject to the re-
19 quirement of approximate equal aggregate value for the over-
20 all exchange, the revested or reconveyed lands and the na-
21 tional-forest lands, administrative jurisdiction of which is ex-
22 changed in any county, shall be approximately equal in area.
23 The exchanges provided for herein shall in each case be
24 evidenced by an order signed by the Secretary of the Inte-

rior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this Act are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the Act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that Act shall be applicable to the lands so designated in lieu of the lands described in section 1 of this Act: *Provided, however,* That such designation shall not become effective until approved by the county court of the county in which the lands are located.

SEC. 4. For the purpose of carrying out the provisions of sections 2 and 3 of this Act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon,
and for other purposes.

By Mr. ELLSWORTH

JUNE 26, 1953

Referred to the Committee on Interior and Insular
Affairs

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 12, 1954
For actions of May 11, 1954
83rd-2nd, No. 86

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HIGHLIGHTS: House passed bill to amend Standard Container Act. House committee voted to report emergency farm loans bill. Senate committee reported O&C-land jurisdiction bill. Senate debated bill to speed up ICC rate decisions.

HOUSE

1. CONTAINERS. Passed as reported H. R. 8357, to amend the Standard Container Act so as to authorize a 3/8 bushel basket for fruits and vegetables (pp. 6052-60).
2. FARM LOANS. The Agriculture Committee voted to report (but did not actually report) S. 3245, to eliminate the requirement that economic disaster loans be restricted to areas designated by the President and to make \$15,000,000 available for economic emergency loans. The committee agreed to several amendments to the bill, one of which would enable such loans to be made until June 30, 1955. (pp. D510-11.)
3. COPPER IMPORTS. Passed as reported H. R. 7709, to extend the date of suspension of certain import taxes on copper to June 30, 1956 (pp. 6024-5).

SENATE

4. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 2225, relating to jurisdiction over certain O&C grant lands in Oregon (S. Rept. 1314)(p. 5977).
5. SOIL CONSERVATION. The Interior and Insular Affairs Committee reported without amendment H. R. 7057, to authorize the Secretaries of Agriculture and Interior to transfer, exchange, and dispose of land in the Eden project, Wyo. (S. Rept. 1317)(p. 5977).
6. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 118, to authorize the initial phase of the Washita Basin project (S. Rept. 1315), and H. R. 5731, to authorize Santa Margarita facilities, Calif. (S. Rept. 1322)(p. 5977).

7. TRANSPORTATION. Began debate on S. 1461, to expedite action by ICC upon applications of certain common carriers for rate increases (pp. 6014-19).
8. PERSONNEL; EXPENDITURES. The Joint Committee on Reduction of Nonessential Federal Expenditures submitted a report on employment in Feb. 1954 (pp. 5977-81).
9. FARM LOANS. Sen. Welker submitted an amendment which he intends to propose to S. 3245, the emergency farm loans bill (p. 5984).

BILLS INTRODUCED

10. ELECTRIFICATION. S. 3434, by Sen. Bricker, to provide that charges shall be paid by Federal power projects which are benefited by stream improvements constructed by other parties; to Interstate and Foreign Commerce Committee (p. 5982).
11. PERSONNEL. H. R. 9097, by Rep. Fulton, to provide a cost of living and increased productivity pay increase for employees under the Classification Act; to Post Office and Civil Service Committee (p. 6076).
H. R. 9102, by Rep. Lesinski, to repeal the Whitten personnel amendment to Post Office and Civil Service Committee (p. 6076).
12. VEHICLES. H. R. 9101, by Rep. Pilcher, to authorize the purchase of liability insurance on Government vehicles; to Government Operations Committee (p. 6076).
13. FARM MACHINERY. H. R. 9100, by Rep. Martin, Iowa, to exempt farm equipment repair parts from the excise tax levied on automobile parts; to Ways and Means Committee (p. 6076).

COMMITTEE HEARINGS RELEASED BY GPO

14. FARM PROGRAM. S. 3052, to encourage a stable, prosperous, and free agriculture. Part II. S. Agriculture and Forestry Committee.
15. FOREIGN TRADE. East-West Trade. S. Foreign Relations Committee.
16. TRANSPORTATION. H. R. 3792, authorizing ICC to revoke, amend, or suspend water carrier certificates and permits. S. Interstate and Foreign Commerce Committee.

BILL APPROVED BY THE PRESIDENT

17. THIRD SUPPLEMENTAL APPROPRIATION ACT, 1954, H. R. 8481. Approved May 11, 1954 (Public Law 357, 83rd Cong.). This Act includes the following items: ACP payments for wind erosion control measures, \$15,000,000; increase of \$2,900,000 in administrative-expense limitation for CCC; Disaster Loan Revolving Fund, \$10,000,000 additional; fighting forest fires, \$4,500,000 additional; and FCA, \$120,000 additional.

SENATE (Continued)

18. TREASURY-POST OFFICE APPROPRIATION BILL, 1955. In reporting this bill, H. R. 7893 (see Digest 85), the committee included the following statements in its report:

Work for other agencies: "The committee agreed unanimously with the language contained on page 15 of the House report and especially emphasizes the following portion: 'It is felt that the agency having the responsibility for an

JURISDICTION OVER CERTAIN PUBLIC LANDS IN OREGON

MAY 11 (legislative day, APRIL 14), 1954.—Ordered to be printed

) Mr. CORDON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 2225]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2225) relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes, having considered the same, report favorably thereon with amendments and unanimously recommend that the bill, as amended, do pass.

EXPLANATION OF THE BILL

Measures to accomplish the purposes of S. 2225 have been before successive Congresses since 1941. Exhaustive hearings were held in 1943 and the legislation has been three times previously favorably reported and twice passed by the Senate. On two occasions the Senate measure was favorably reported from the House committee. On one other occasion a similar House bill was reported from the House committee.

The lands affected by this proposed legislation are a part of an early railroad grant in the State of Oregon. The Government recaptured title to the grant lands by the Act of June 9, 1916, due to violation by the grantee railroad company of certain terms of the grant. The recapture act provided for revestment of all the unsold portion of the grant—

for which patents have been issued by the United States or for which the grantee is entitled to receive patents under the grant.

The lands herein concerned are of the latter class; their status was determined in the case of the *U. S. v. O. & C. R. R. Company et al.* (8 F. (2d) 645) (1925). This rule of law was approved in the case of *Chapman v. Santa Fe Pac. R. Co.* (198 F. (2d) 498) (1951) (certiorari denied by the Supreme Court June 2, 1952). The status of these

lands was again adjudicated by the United States Court of Appeals for the District of Columbia on April 30, 1954 (No. 11844).

The 1916 act provided for administration of the revested lands by the Department of the Interior, for getting the lands into private ownership, for reimbursement of the counties for their tax loss, and for distribution of future receipts.

On August 28, 1937, the Congress enacted a statute providing for a different disposition of receipts and administration of the lands in the interest of conservation. Thereafter a question arose as to the status of the unpatented portion of the revested grant; namely, was the Department of Agriculture to administer these lands under national forest laws, or was the Department of the Interior to administer them under the 1916 act, as amended?

The bill, as amended, provides for continued administration of the lands by the Department of Agriculture with accounting of funds heretofore or hereafter received to be the same as for other O. and C. land receipts.

The bill carries another and most important provision for eliminating jurisdictional problems in the area by consolidation of the checkerboard administrative areas of the two departments through exchanges. This consolidation is for the purpose of better sustained yield timber management of both classes of lands.

REPORTS OF EXECUTIVE AGENCIES

The reports of the interested departments, which contain an exhaustive historical summary of the lands, indicate no objection to the bill and especially strong approval of its provisions to expedite sustained yield administration.

Orderly administration of the affected public lands will be advanced by the early enactment of this legislation.

DEPARTMENT OF AGRICULTURE,
Washington, March 12, 1954.

HON. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

DEAR SENATOR BUTLER: This is in reply to your request of June 30 for a report on S. 2225, a bill relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes. S. 2225 is identical to H. R. 5958 by Mr. Ellsworth.

Sections 1 and 3 of these bills concern 462,000 acres of so-called controverted forest land located in southwestern Oregon. This area is comprised of unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon & California Railroad land grant authorized by the act of July 25, 1866 (14 Stat. 239), as amended, and within the boundaries of subsequently established national forests. Since 1939, the Department of Interior has questioned the national forest status of these lands. At stake is not only whether the Secretary of Agriculture or the Secretary of Interior should administer these lands but also whether the counties should receive 25 percent (if national forests) or 75 percent (if Oregon and California revested lands) of gross receipts from the lands. S. 2225 is a proposed settlement of the controversy.

In addition to the controverted lands, there are about 450,000 acres of non-controverted O. and C. land occurring in alternate sections within the national forests of southwestern Oregon. Section 3 of S. 2225 provides for an exchange of national forest and O. and C. land, the net result of which would be to eliminate the present checkerboard pattern of administrative jurisdiction and thus lessen duplication and increase efficiency.

Section 1 provides: (1) The lands in question shall continue to be administered as national forests by the Secretary of Agriculture; (2) they shall be subject to all laws, rules, and regulations applicable to the national forests, provided that all revenues, including those heretofore derived and placed in a special deposit account, shall be distributed in accordance with the act of August 28, 1937 (50 Stat. 874). That act provides that 75 percent of such receipts shall be distributed to specified counties; (3) revenues from the lands already distributed shall not be affected; and (4) neither the lands in question nor their resources shall be subject to forest exchange laws otherwise applicable.

Section 2 directs the Secretary of the Interior and Secretary of Agriculture within 1 year after enactment to exchange administrative jurisdiction of revested O. and C. or reconveyed Coos Bay Wagon Road grant lands within national forest boundaries, and national forest lands of approximately equal value when such action will facilitate administration. It provides that national forest land so exchanged shall be excluded from the national forest and shall thereafter be administered in accordance with the laws applicable to O. and C. lands, while O. and C. grant land transferred to the Secretary of Agriculture shall be administered in accordance with the laws applicable to national forests and shall become a part of the national forest within the boundaries of which the land is located; Section 2 also provides that, subject to the requirement of approximate equal aggregate value for the overall exchange, exchanges within each county shall include approximately equal areas of each class of land.

Section 3 authorizes the Secretary of Agriculture, in order to consolidate and thereby facilitate administration and accounting, to designate within each county an acreage of national forest land substantially equal in value to the national forest acreage in the same county whose receipts are to be disposed of in accordance with the 75 percent formula as provided in section 1. Upon such designation, the 75 percent receipts formula shall be applicable to the land so designated in lieu of the lands in that county described in section 1 of S. 2225, provided that such designation shall become effective only when approved by the county court of the county in which the lands are located.

The Oregon and California grant lands are a unique situation brought about by the revesting of railroad grant lands by the United States. Normally these grant lands would have been sold by the grantee railroad company thereby being developed for advancement of the local economy and to serve as part of the local tax base. Special consideration was given by the Congress to this matter, and it was decided that the counties should receive the distribution of receipts provided in title II of the act of August 28, 1937. If the law had been understood and applied at the time the controverted lands were added to the national forests as it has since been enunciated by the Supreme Court, it appears that these lands would not have been added to the national forests. Thus the problem with respect to payments to the counties from the controverted lands involves factors which are not present in consideration of the overall problem of payments to local governments because of Federal ownership of land.

The distribution of receipts from public lands to the States and counties has always been a matter for determination by the Congress and with respect to which this Department has carefully refrained from pressing its views. Therefore, in expressing approval of the pending bill, it should be understood that no opinion of either approval or disapproval is expressed with respect to the formula for distribution of receipts.

Since 1942 numerous bills have been introduced in the Congress to clarify this problem. Hearings were held on S. 275 and H. R. 1688 of the 78th Congress and H. R. 6662 of the 82d Congress. The reports on these bills and hearings offer a complete record of the facts and viewpoints of this Department that the controverted lands do have national forest status. However, no legislation has been enacted.

This Department believes that settlement of the controversy is long overdue. It is anxious that the funds now held in escrow be released to the counties. It believes the continued administration of the controverted lands as national forest lands as provided in S. 2225 is of paramount importance. It also believes the exchange provisions of the bill which would eliminate the intermingled pattern of national forest and O. and C. administration of alternate sections of timberland is a step in the right direction toward the ultimate solution of a problem which the Hoover Commission referred to as a source of "public confusion, unnecessarily duplicating services, and unsound management."

Until the work gets underway it is not entirely clear what problems may be encountered in implementing the exchange directives of section 2. Therefore it

is suggested that the 1-year time limit specified for that section be extended to 2 years although this Department would make every effort to expedite the exchange as rapidly as possible. Such amendment could be accomplished by substituting "two" for "one" in line 23, page 2.

Taking into consideration the facts of the situation, the legislative history with respect to these lands, and the applicable law, the Department recommends that S. 2225 be enacted.

The Bureau of the Budget advises that from the standpoint of the program of the President there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., March 15, 1954.

HON. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR SENATOR BUTLER: This is in reply to the request of your committee for a report on S. 2225, a bill relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

I have no objection to the enactment of this bill.

S. 2225 is an attempt to resolve a jurisdictional controversy, concerning the administration of a portion of the revested Oregon & California Railroad grant lands in Oregon, which has been in issue between this Department and the Department of Agriculture for too long a time.

The controverted lands in issue are unpatented indemnity lands which, at the time of their revestment in the United States, were of the class referred to in the Revestment Act of June 9, 1916 (39 Stat. 218), as lands to which the railroad company was entitled to receive patent. The 1916 act also provided for administration of all the revested lands, with certain specific exceptions, by the Interior Department, for getting the lands into private ownership, and for reimbursement to the counties for their tax loss. Unfortunately, by Executive orders issued prior to the Revestment Act of 1916, the portion of the revested lands, which is now in controversy, totaling in excess of 462,000 acres, had been improperly placed within the boundaries of existing national forests administered by the Forest Service despite the fact that the Congress had previously appropriated the same lands to another purpose.

Subsequently, under the O. and C. Sustained-Yield Timber Act of August 28, 1937 (50 Stat. 874), Congress imposed upon this Department the duty to administer the O. and C. lands for conservation rather than disposal, and prescribed a new policy of timber management which would insure a perpetual timber yield. After the adoption of this act the dual claims to jurisdiction over the controverted lands began to present an acute problem, the issue being whether the lands were to be administered by this Department under the 1937 act, or by the Department of Agriculture under national forest laws. The differences of viewpoint of the two Departments based upon their divergent interpretations of the effect of the O. and C. statutes, and of the prior Executive orders, could not be amicably reconciled, despite many efforts in that direction.

These matters received legislative attention in several previous Congresses: S. 275 and H. R. 1688, 78th Congress; S. 723 and H. R. 2953, 79th Congress; S. 580, 80th Congress; S. 148, 81st Congress; S. 539 and H. R. 6662, 82d Congress. Complete reports were presented to the respective Public Lands Committees of the 78th, 79th, and 82d Congresses by the Department of Agriculture as well as this Department and full hearings were held.

S. 2225 provides for the distribution of proceeds from the controverted lands under the terms of the act of August 28, 1937. That act had its genesis in this Department which has historically approved of the basis for distribution provided therein. In view of the long history of congressional enactment with respect to these lands, I feel that the matter of basic law in this field has become one solely of congressional policy. This report will, therefore, omit any expression of departmental views on this subject. The jurisdictional problem would be settled by providing for the administration of the controverted lands by the Department of Agriculture.

S. 2225 contains a recognition of the fact that this is only a partial solution of the total problem of sound resource management of the Federal forest lands in

this area. Section 2 of the bill directs the two Secretaries within 1 year after its enactment to exchange administrative jurisdiction of national forest lands for revested Oregon and California railroad grant lands or reconveyed Coos Bay wagon roads grant lands within the boundaries of any national forest, on an equal aggregate value basis, when such exchange would facilitate the administration of the lands. In view of this unequivocal congressional mandate, I know that the two Departments will move forward promptly and vigorously to fulfill the requirements of the act.

It is this provision for a mandatory exchange which prompts me to make no objection to the enactment of S. 2225. The exchange requirement would affect about one-half million acres of O. and C. lands which, although inside national forest boundaries, are unquestionably under the jurisdiction of this Department. There is no jurisdictional controversy as to the latter area, because the lands were patented to the railroad. These lands are intermingled, in a checkerboard pattern, with national forest lands. I believe that exchanges will solve the problem of dual administration of the about 1 million acres of intermingled forest lands in the O. and C. areas.

There is an appeal now pending in a suit against the Secretary of the Interior and Secretary of Agriculture in the Court of Appeals for the District of Columbia Circuit taken by Clackamas County, to determine the jurisdiction of the controverted lands. The District Court of the District of Columbia on May 20, 1953, dismissed the complaint filed by the county. The Acting Assistant Attorney General on February 25, 1953, filed a motion to dismiss the suit on the grounds that the complaint failed to state a claim upon which relief can be granted, that the United States was an indispensable party defendant, and that the Federal Government had not given its consent to be sued. Even if the district court should be reversed and ordered to decide the case on its merits and determine the jurisdiction of the controverted lands, this legislation would still be urgently needed. Only legislation can provide for the important feature in section 2 of S. 2225 which directs the two agencies involved to make exchanges for the purpose of blocking up areas under their respective jurisdictions. Litigation in the Federal district court and through the appellate courts, moreover, would undoubtedly take several years and might very well leave the issue unsettled due to an ultimate decision on technical grounds. Legislative action by Congress, on the other hand, could greatly expedite the settlement of the issues involved and at the same time provide more adequately for the administration of the lands in western Oregon under Federal jurisdiction.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., March 8, 1954.

HON. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Bureau on S. 2225, relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

This bill is designed to clarify the status of some 462,000 acres of unselected and unpatented forest lands lying in 700 alternate sections in 9 counties within the indemnity limits of the revested Oregon & California Railroad land grant in the State of Oregon. These lands, known as the controverted O. and C. lands, lie well within the boundaries of national forests. Since 1939, when the question was raised by the Department of the Interior, a controversy has existed as to whether the Department of the Interior or the Department of Agriculture should have jurisdiction over these tracts. This jurisdictional uncertainty plagues both the Federal Government and the counties. Because of the significant differences between the receipts distribution formula applied by the United States Forest Service to national forest revenues and the formula applied by the Bureau of Land Management to distribution of receipts from the regular O. and C. revested lands, revenues from the controverted lands have been impounded since 1942. With respect to the controverted lands, the bill provides for continued administration by the Department of Agriculture as a part of the national forest system,

but stipulates that all future revenues—along with past revenues accumulated in a special fund—shall be distributed according to the provisions of title II of the act approved August 28, 1937 (50 Stat. 874): i. e., under the current O. and C. formula.

The bill also authorizes, by a redesignation of administrative jurisdiction, the blocking up of the 450,000 acres of regular O. and C. lands and intermingled national forest lands, within national forest boundaries.

There is no question but that Congress has complete discretion to resolve as it sees fit the dual policy question of administrative jurisdiction and the formula under which receipts will be distributed. This is in accord with the decision of the Supreme Court in the cases on these lands. Congressional action is, in fact a necessity, if the several problems posed are ever to be satisfactorily settled.

In proposing to distribute the future receipts from the controverted lands (this applies equally to accumulated funds in the special account) under title II of the 1937 act, the bill presumably confers on all 18 of the O. and C. counties a share of receipts from timber harvested from controverted lands which lie in only 9 counties. This situation arises because under title II the counties' share of receipts are payable " * * * to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year * * *," and further, because at that time the unpatented or controverted lands were excluded from such an assessment base by virtue of never having been on the tax rolls.

Clackamas, Curry, Josephine, Klamath, and Lane Counties contain relatively large amounts of controverted acreage in proportion to their regular O. and C. acreage, but they would not receive their full share of the revenues from their respective controverted acreage. Coos, Douglas, Jackson, and Linn Counties contain lesser proportions of controverted acreage, but under the operation of title II would receive an excess share of revenue from the controverted tracts. Nine other counties, containing no controverted acreage, would also receive revenue from controverted lands. For this reason it is recommended that the committee consider the insertion of a provision for distribution of receipts from the controverted lands, both accumulated and future, in a manner which will be consistent with the original intent of the 1937 law.

A possible solution would be to extend to the controverted lands, within the nine counties containing such lands, the county's average per acre assessment against regular O. and C. lands as of 1915, and then recompute new ratios of distribution to each county, taking into account the revised county share of the new grand total.

The Bureau of the Budget, in the interest of increased efficiency and the elimination of costly overlapping, would favor any measure which would bring about an improvement in the overlapping jurisdictional pattern which currently exists between the Bureau of Land Management and the Forest Service.

Section 2 of this bill would authorize blocking up of O. and C. and national forest lands by exchanges of administrative jurisdiction between the two Departments where regular O. and C. lands are intermingled with national forest lands within national forest boundaries.

Section 3 permits the Secretary of Agriculture to use the device of administrative designation for the purpose of consolidating national forest and controverted lands into convenient units for ease of management and bookkeeping and to facilitate making receipts distribution to the counties under two different formulas.

Some limitations are imposed upon the Secretaries' discretion in perfecting such exchanges and designations. Section 2 authorizes exchanges of administrative jurisdiction only within existing national forest boundaries. It does not authorize alteration of existing national forest boundaries. Thus it precludes logical opportunities for exchanges of administrative jurisdiction between national forest and O. and C. lands where the latter are contiguous to but lie outside of the national forest boundary.

The committee may wish to consider authorizing adjustments in the national forest boundaries in order to permit the blocking up of additional public timberlands by the maximum possible exchange of administrative jurisdiction.

Within the national forests, under section 3, the bill would permit the creation of from 6 to 9 separate "designated" jurisdictions, in order to meet the provision which stipulates that the amounts of national forest and controverted lands blocked up shall, within each of 9 counties, be of substantially equal value. Further, the designation process authorized in section 3 is subject to an indefinite

approval procedure by the county court wherein the lands are located. It is recommended that the committee consider amending section 3 of the bill as follows: Beginning on page 4, line 16, by striking out the entire sentence following the word "however," and inserting "That such designation shall become effective 90 days after its publication in the Federal Register, unless the county court of the county in which such lands are located shall within such time specifically disapprove such designation."

Section 2 also requires that the land exchange provisions of the bill be carried out within 1 year after enactment. It is recommended that at least 2 years' time be provided for this purpose.

The equal value and acreage provisions of the bill, designed to protect the counties against any exchange or designation adverse to their interest imposes the burden of evaluation and survey upon both the Forest Service and the Bureau of Land Management. The two agencies have estimated that it will probably cost a total of about \$100,000 to perform the requisite work. Inasmuch as the appraisal costs are necessitated primarily because of the need for meeting the equal value and acreage concern of the counties, some consideration should be given to how best to defray such costs. In the act of May 24, 1939, pertaining to the Coos Bay Wagon Road grant lands in Oregon, section 2 recognizes the principle that appraisal costs should be taken out of the counties' share of the receipts from the lands being appraised. The specific language employed in this act is: "The expense of making the appraisements provided for in this Act shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties." In the case of the controverted O. and C. lands, it would not be necessary to deduct the total cost of appraisals from the counties' share of future receipts, because the amount currently held in the special account (some \$7.5 million) is more than adequate. The cost of appraisals needed in connection with the exchanges of administrative jurisdiction authorized under section 2 could be met under the above stated Coos Bay Wagon Road method, if the committee so desires.

In summation, this Bureau is of the view that legislation simplifying the jurisdictional pattern for public timber lands in Oregon and establishing a formula for the distribution of receipts from the controverted O. and C. lands is necessary and desirable. In connection with its review of S. 2225 the committee may wish to consider one or more of the following suggested modifications, discussed more fully above:

1. A provision which would add the controverted O. and C. lands to the grand total and to the respective county totals in making the computation of revenue shares authorized under title II of the 1937 act.
2. A provision authorizing adjustments in national forest boundaries, in order to permit maximum blocking up of national forest and O. and C. lands.
3. A provision making the designations authorized in section 3 automatically effective 90 days after publication in the Federal Register, unless specifically disapproved by the concerned county court.
4. An extension from 1 to 2 years of the time limit for carrying out the exchanges of administrative jurisdiction.
5. A provision authorizing the deduction of appraisal costs incurred during the blocking up process from the counties' share of receipts.

Subject to your consideration of the foregoing suggestions, you are advised that there would be no objection to enactment of S. 2225.

Sincerely yours,

Jos. M. DODGE, *Director.*

CHANGES IN EXISTING LAW

In compliance with the Cordon rule (subsection (4) of rule XXIX of the Standing Rules of the Senate), changes in existing law made by the bill, S. 2225, as reported, are shown as follows (additions to existing law are italicized):

TITLE II OF THE ACT OF AUGUST 28, 1937 (50 STAT. 874, 875)

TITLE II

That on and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands reverted under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds; *Provided, however, That for the purposes of this subsection the portion of the said reverted Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.*



Calendar No. 1317

83^D CONGRESS
2^D SESSION

S. 2225

[Report No. 1314]

IN THE SENATE OF THE UNITED STATES

JUNE 26 (legislative day, JUNE 8), 1953

Mr. CORDON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

MAY 11 (legislative day, APRIL 14), 1954

Reported by Mr. CORDON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) those unselected and unpatented odd-numbered sec-
4 tions within the indemnity limits of the Oregon and California
5 Railroad land grant authorized by the Act of July 25, 1866
6 (14 Stat. 239), as amended by the Act of April 10, 1869
7 (16 Stat. 47), and for which payment was made by the
8 United States to such railroad or its successors in interest
9 under the Act of June 9, 1916 (39 Stat. 218), pursuant to
10 the decree in the case of United States against Oregon and
11 California R. R. Co. (8 F. (2d) 645), which were included

1 within the boundaries of national forests by proclamations of
2 the President of the United States issued under the dates of
3 June 17, 1892, September 28, 1893, October 5, 1906, Janu-
4 ary 25, 1907, March 1, 1907, and March 2, 1907, *are hereby*
5 *declared to be revested Oregon and California railroad grant*
6 *lands; and said lands* shall continue to be administered as
7 national-forest lands by the Secretary of Agriculture subject
8 to all laws, rules, and regulations applicable to the national
9 forests: *Provided*, That all revenues hereafter derived from
10 said lands and those revenues heretofore derived from such
11 lands and placed in special deposit by agreement between
12 the Secretary of Agriculture and the Secretary of the In-
13 terior shall be disposed of in accordance with the provisions
14 of title II of the Act approved August 28, 1937 (50 Stat.
15 874) *as hereby amended*, and said lands shall not hereafter be
16 subject to the provisions of any other laws or parts of laws
17 which otherwise prescribe the disposal or distribution of
18 receipts from lands of the United States, except that none of
19 the provisions of this Act shall affect revenues heretofore dis-
20 tributed. No part of said lands or the resources thereof shall
21 be subject to exchange under the provisions of this or any
22 other law applicable to national-forest lands or otherwise.

23 (b) *Subsection (a) of title II of the Act approved August*
24 *28, 1937 (50 Stat. 874), is amended by adding at the end*
25 *thereof the following proviso: “: Provided, however, That for*

1 *the purposes of this subsection the portion of the said revested*
 2 *Oregon and California railroad grant lands in each of said*
 3 *counties which was not assessed for the year 1915 shall be*
 4 *deemed to have been assessed at the average assessed value of*
 5 *the grant lands in said county”.*

6 SEC. 2. The Secretary of the Interior and the Secretary
 7 of Agriculture are authorized and directed, within ~~one year~~
 8 *two years* after the enactment of this Act, to exchange ad-
 9 ministrative jurisdiction of revested Oregon and California
 10 railroad grant lands ~~or reconveyed Coos Bay Wagon Road~~
 11 ~~grant~~ lands lying within the boundaries of any national
 12 forest *or within two miles of such boundaries*, and national-
 13 forest lands of approximately equal aggregate value, when
 14 by such exchange the administration of the lands will be
 15 facilitated. Such exchanges shall be made subject to out-
 16 standing contracts, permits or other existing rights: *Pro-*
 17 *vided*, That the said national-forest lands, administrative
 18 jurisdiction of which is transferred to the Secretary of the
 19 Interior, shall be excluded from the national forest and shall
 20 become subject to administration under the same provisions
 21 of law as the revested ~~or reconveyed~~ lands in exchange for
 22 which they were transferred, and the revested ~~or reconveyed~~
 23 lands, administrative jurisdiction of which is transferred to
 24 the Secretary of Agriculture, shall become a part of the
 25 national forest ~~within the boundaries of which they are~~

1 ~~situated and~~ *forests* subject to administration under the laws
2 applicable to ~~such~~ national ~~forest~~ *forests*: *Provided further,*
3 That subject to the requirement of approximate equal aggre-
4 gate value for the overall exchange, the revested ~~or recon-~~
5 ~~veyed~~ lands and the national-forest lands, administrative
6 jurisdiction of which is exchanged in any county, shall
7 be approximately equal in area *unless otherwise agreed*
8 *to by the counties concerned*. The exchanges provided for
9 herein shall in each case be evidenced by an order signed
10 by the Secretary of the Interior and the Secretary of Agri-
11 culture and such orders shall be transmitted to the Division
12 of the Federal Register for filing and publication.

13 SEC. 3. For the purpose of consolidating and thereby
14 facilitating administration and accounting the Secretary of
15 Agriculture is authorized to designate in the several counties
16 in which the lands described in section 1 of this Act are
17 situated (such designation to be published in the Federal
18 Register), an area of national-forest land of a value sub-
19 stantially equal to the value of the lands in such county from
20 which all revenues shall be disposed of in accordance with
21 the provisions of title II of the Act of August 28, 1937
22 (50 Stat. 874), and upon such designation the provisions
23 of that Act shall be applicable to the lands so designated
24 in lieu of the lands described in section 1 of this Act: *Pro-*
25 *vided, however,* That such designation shall not become effec-

1 tive until approved by the county court of the county in
2 which the lands are located.

3 SEC. 4. For the purpose of carrying out the provisions
4 of sections 2 and 3 of this Act there are hereby authorized
5 to be appropriated such sums as the Congress may from time
6 to time determine to be necessary.

83d CONGRESS
2d Session

S. 2225

[Report No. 1314]

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon,
and for other purposes.

By Mr. CORDON

JUNE 26 (legislative day, JUNE 8), 1953
Read twice and referred to the Committee on Interior
and Insular Affairs

MAY 11 (legislative day, APRIL 14), 1954
Reported with amendments

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 19, 1954
For actions of May 18, 1954
83rd-2nd. No. 91

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HIGHLIGHTS: Senate confirmed nomination of Farrington to CCC. Senate committee voted to continue farm housing program. Senate debated independent offices appropriation bill. Both Houses received FCIC audit report. House committee voted to report O&C land bill and Colo. reclamation bill. Rep. McIntire inserted and commended list of Administration's accomplishments for agriculture.

SENATE

1. NOMINATION of Robert L. Farrington, to be a member of the Board of Directors of CCC, was confirmed (p. 6362).
2. INDEPENDENT OFFICES APPROPRIATION BILL, 1955. Began debate on this bill, H. R. 8583. Agreed to all committee amendments subject to reconsideration of any amendment at the request of any Senator. (pp. 6396, 6405-6.)
3. FCIC AUDIT. Both Houses received from the Acting Comptroller General the audit report on FCIC for the fiscal year 1953; to Government Operations Committees (H. Doc. 390)(pp. 6352, 6424).
4. FOREIGN TRADE. Sen. Wiley inserted a Farmers Union statement favoring expansion of world trade, an international food reserve, disposal of surpluses to foreign countries, customs simplification, trade agreements, etc. (pp. 6353-4).
Sen. Malone spoke in favor of restrictions on imports through additional tariff protection, etc. (pp. 6399-405).
5. PERSONNEL; EXPENDITURES. Received an additional report of the Joint Committee on Reduction of Nonessential Federal Expenditures regarding employment (pp.6357-61).
6. PRICE SUPPORTS. Sen. Murray inserted and commended a statement of Mont. businessmen favoring high price supports (pp. 6366-70).
7. FARM PROGRAM. Sen. Murray inserted a CIO statement that "The Government should continue and strengthen programs including price supports, conservation, low-cost

credit, and rural electrification" (pp. 6363-4).

8. MEAT PRICES. Sen. Langer gave figures to show that "while the price of cattle had depreciated, the price of hogs had increased" (p. 6371).
9. DISBURSEMENTS. Senate conferees were appointed on S. 2844, to extend for 1 year authority for certain banking transactions by U. S. disbursing officers (p. 6383). House conferees have not yet been appointed.
10. COMMITTEE ASSIGNMENTS. Sen. Humphrey was transferred from the Government Operations Committee to the Agriculture and Forestry Committee. Sen. Smathers was transferred from the Interior and Insular Affairs Committee to the Finance Committee. (p. 6352.)
11. ROMEO E. SHORT. Sens. Fulbright and McClellan spoke in memory of the late Romeo E. Short, formerly Assistant Secretary of Agriculture (pp. 6370-1).

HOUSE

12. PUBLIC LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5958, relating to administrative jurisdiction over certain O&C lands in Oreg. (p. D545).
13. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 4449, authorizing the Secretary of the Interior to construct, maintain, and operate the Colorado River storage project and participating projects (p. D545).
14. LAND TRANSFERS. A subcommittee of the Agriculture Committee voted to report to the full committee H. J. Res. 458, to direct the Secretary of Agriculture to quitclaim retained rights in a tract of land in Irwin County, Ga.; S. 1400, to permit the Secretary of Agriculture to release the reversionary rights of the U. S. in a land tract in Wake County, N. C.; and H. R. 4928, to direct conveyance of part of the Animal Quarantine Station, Clifton, N. J., to the city (p. D545).
15. FARM PROGRAM. Rep. McIntire inserted and commended a summary of the accomplishments of the Administration regarding agriculture (pp. 6418-9).
16. FOREIGN TRADE. Rep. Smith, Miss., recommended repeal of the Buy-American Act (pp. 6411-2).
17. BANKING AND CURRENCY. Rep. Patman criticized the "hard-money, high-interest" policy (pp. 6415-6).
18. PERSONNEL. The "Daily Digest" states that the Ways and Means Committee "agreed to a proposal to include under OASI coverage the Federal employees in the executive branch who are not under a Federal staff retirement system" (p. D546).

BILLS INTRODUCED

19. FOREIGN TRADE. H. R. 9185, by Rep. Bailey; H. R. 9186, by Rep. Byrd; and H. R. 9189, by Rep. Fogarty, to provide a permanent procedure for adjustment of tariff rates on a selective basis, to regulate the flow of imported articles on a basis of fair competition with domestic articles, etc.; to Ways and Means Committee (p. 6424).

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 21, 1954
For actions of May 20, 1954
83rd-2nd, No. 93

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HIGHLIGHTS: Senate passed O&C land jurisdiction bill. Both Houses received Kaplan Committee report on retirement policy. House committee voted for social-security coverage of farmers.

SENATE

1. O&C LAND. Passed as reported S. 2225, relating to administrative jurisdiction over certain land in Oreg. Rejected, 13-52, a Morse amendment to transfer these lands to the Interior Department. The bill, as passed, was printed in the Record. (pp. 6513-21.) The bill provides for continued administration of the controverted lands by the Forest Service, with accounting of funds heretofore or hereafter received to be the same as for other O&C land receipts, and eliminates jurisdictional problems in the area by consolidation of the checker-board administrative areas of the Agriculture and Interior Departments through exchanges.
2. RETIREMENT. Both Houses received the report of the Committee on Retirement Policy for Federal Personnel; to Post Office and Civil Service Committees (Pt. 3 of S. Doc. 89)(pp. 6510, 6567).
3. TARIFFS. Sen. Malone spoke in favor of additional protective tariffs (pp. 6538-42).
4. LEGISLATIVE PROGRAM, as announced by Sen. Knowland: Today, voting age; Mon., calendar of bills; Tues., Army civil appropriations (p. 6538).

HOUSE

5. PUBLIC LANDS. Agreed to the conference report on H. R. 1815, to amend the Recreation Act of June 14, 1926, so as to broaden the Interior Department's authority to make lands available for public purposes to States and local governments, or to nonprofit organizations intending to use such lands for

public purposes (p. 6546). The Senate has not yet received this conference report.

6. TRAVEL; TRANSPORTATION. Concurred in the Senate amendment to H. R. 2225, making appropriations chargeable for payment of reimbursement of general average contributions for losses incurred at sea in connection with the transporting of baggage and household goods of military or civilian personnel of the Government (p. 6563). This bill will now be sent to the President.
7. CIVIL DEFENSE. Concurred in the Senate amendment to H. R. 7308, to extend through June 30, 1958, the emergency powers of the Administrator of Civil Defense (p. 6563). This bill will now be sent to the President.
8. BANKING AND CURRENCY. Rep. Patman criticized the operations of the Federal Reserve System's Open Market Committee which he claimed caused the interest rates to go up and which "almost ruined our country" (pp. 6558-61).
9. SOCIAL SECURITY. On May 19 the Ways and Means Committee tentatively agreed to extend old age and survivors insurance coverage to several additional groups including farmers. The "Daily Digest" includes the following statement of the Committee regarding inclusion of farmers under OASI:
"Present law provides for the exclusion from the definition of 'net earnings from self-employment' for purposes of coverage under OASI; income derived from any trade or business which, if carried on in an employee capacity, would constitute agricultural labor. This exclusion is repealed under the proposal adopted by the committee and a new provision adopted which covers farm operators on the same basis as other self-employed persons, except that farmers whose annual gross earnings are 1,800 or less may report either their actual earnings or 50 percent of their gross earnings. Farmers whose annual gross earnings are over \$1,800 may report either their actual net earnings or, if these earnings are less than 900, they may report 900. This provision will extend OASI coverage to 3.6 million persons." (pp. 6561-2.)
10. ADJOURNED until Mon., May 24 (p. 6567). Legislative Program as announced by Majority Leader Halleck: Mon., D. C. bills; Tues., legislative-judiciary appropriation bill; Wed. and Thurs., if reported, military public works bill; Fri., receive Ethiopian Emperor (p. 6550).

ITEMS IN APPENDIX

11. F.H.A. Rep. Andersen inserted his speech in the House in connection with the debate on the USDA appropriation bill in which he praised the FHA program as "one of the great programs for agriculture" (p. A3750).
12. FOREIGN TRADE, TARIFFS. Rep. Tollefson inserted a newspaper editorial favoring restriction of cheaply produced foreign imports (p. A3723).
Rep. Lane inserted a newspaper article claiming that reciprocal trade agreements and low tariffs have hurt the wool textile industry (p. A3753).
13. TRANSPORTATION. Rep. Miller (Md.) inserted Ridgley Todd's (director, Vegetable Growers Assn. of America) statement favoring H. R. 3203, the trip-leasing bill (pp. A3728-9).

I have obtained these figures from the financial clerk in the disbursing office of the Senate, and they indicate that for the work necessary to be done during the present calendar year \$50,000 is an appropriate figure for the authorization.

Mr. JENNER. That is correct.

The Senator from Arizona understands that we cannot anticipate what the workload of the committee will be; and if we run into additional work, of course, we shall have to request the Senate to authorize an additional amount.

Mr. HAYDEN. I may state, Mr. President, that very wisely in the New Mexico senatorial contest there was an understanding as to what the attorneys' fees would be, with the result that the payments made were comparatively modest, amounting to only \$13,750 for both sides.

On the other hand, there was no such understanding in either the Maryland contest or the West Virginia contest. In the 80th Congress, the attorneys received \$35,313.37, in the O'Connor-Markey contest, in Maryland.

Based upon the lessons of the past, I believe that in the future anyone who seeks to institute a senatorial election contest should be notified that no fancy attorneys' fees will be paid; and in that event it is quite certain that a number of contests will not be filed.

Mr. JENNER. I agree with the Senator from Arizona. I believe the New Mexico procedure was a very sound one, and I believe it should be the policy in regard to similar cases in the future.

Mr. HAYDEN. I distinctly remember that when I first became a Member of the House of Representatives there was a rule that a contestant would receive an allowance of \$2,000, and that there was a certain gentleman in North Carolina who, every 2 years, entered the congressional race, and being defeated, then filed a contest. I heard Uncle Joe Cannon say, "This year he will not be paid anything, and after the next election there will not be a contest." That stopped it in that congressional district.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Indiana [Mr. JENNER].

The amendment was agreed to.

The PRESIDENT pro tempore. The question now is on agreeing to the resolution, as amended.

The resolution (S. Res. 234), as amended, was agreed to, as follows:

Resolved, That in carrying out the duties imposed upon it by subsection 1 (o) (1) (D) of rule XXV of the Standing Rules of the Senate, in holding hearings, reporting such hearings, and making investigations as is authorized by such subsection or by section 134 (a) of the Legislative Reorganization Act of 1946, the Committee on Rules and Administration, or any duly authorized subcommittee thereof, is authorized from May 1, 1954, to make such expenditures, and to employ upon a temporary basis such investigators and such technical, clerical, and other assistance, as it deems advisable.

SEC. 2. The expenses of the committee under this resolution, which shall not exceed \$50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

ADMINISTRATIVE JURISDICTION OF CERTAIN PUBLIC LANDS IN THE STATE OF OREGON

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of Senate bill 2225, Calendar No. 1317, relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2225) relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes, which has been reported from the Committee on Interior and Insular Affairs with amendments.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

The LEGISLATIVE CLERK. On page 1, in line 3, after the word "That", it is proposed to insert "(a)"; and on page 2, after the numerals "1907", it is proposed to insert "are hereby declared to be revested Oregon and California Railroad grant lands; and said lands."

Mr. AIKEN. Mr. President, I wonder whether, before the amendments are acted on, we may have a general explanation of what the bill purports to do. I note that the senior Senator from Oregon [Mr. CORDON] is on the floor; and before voting on the amendments, I should like to know what the bill provides.

Mr. CORDON. Mr. President, the purpose of the bill is to determine legislatively a jurisdictional question which has existed between the Department of Agriculture and the Department of the Interior for many, many years. It concerns certain lands originally granted in the middle of the last century to a railroad company, the Oregon and California railroad in western Oregon. Title to the unsold portion of these lands was revested in the Federal Government in 1916 after litigation in the Supreme Court and legislation by the Congress. At that time the revested lands were placed under the jurisdiction of the Department of the Interior.

However, approximately 472,000 acres of those lands are what are called "in lieu" lands; that is, they are lands which were not within the original limits of the grant to the railroad but are lands which the railroad was entitled to select since, because of prior appropriation, it could not get its full acreage within the area limits of the original sections granted for the building of the road.

Prior to the 1916 legislation revesting the lands, the 472,000 acres which are the subject of this bill, S. 2225, were included within the boundaries of national forests by a series of Executive Proclamations. When the O. and C. lands were revested on the Federal Government and transferred to the Interior Department, the jurisdictional question arose between the Forest Service of the Department of the Agriculture, and the Department of the Interior.

COURT DID NOT DETERMINE JURISDICTIONAL ISSUE

The question of the character and class of the lands reached the courts in 1925, in a suit brought by the Government against the railroad company for an accounting in connection with the revestment and the reciprocal obligation of the Government and the company. In that case the determination of the court was that the 472,000 acres were revested O. and C. grant lands.

However, the court did not attempt to make any determination with respect to the administration of the 472,000 acres in question. That issue was not properly before the court. There is a series of decisions with respect to the legal status of the lands. The latest decision was rendered only a couple of weeks ago—on April 30, 1954—in the United States Circuit Court of Appeals for the District of Columbia. All decisions have been uniform with respect to the law and its applicability to these lands.

MANAGEMENT QUESTION STILL REMAINS UNSETTLED

However, there has remained the question of jurisdiction for management purposes. The lands are timber lands. Since the national forest proclamations respecting them, the lands in question have been managed by the Department of Agriculture, through the Forest Service.

By a Federal statute enacted in 1938, the Congress provided that the revested Oregon-California grant lands be administered by the Department of the Interior and not by the Department of Agriculture. So a situation developed in which there were two separate and distinct administrative agencies which have attempted to administer forest lands in western Oregon. One tract has been regarded as national forests, administered by the Department of Agriculture. Another tract, immediately adjacent to the national forest tract, has been managed as revested O. and C. lands, administered by the Department of the Interior. Side by side with it, a third tract would be national forest lands, then another Interior Department area, and so on in a checkerboard fashion.

The result has been an impossible situation, administratively.

BILL OFFERS SOLUTION TO PROBLEMS

It has been thought by nearly everyone who has had any knowledge of the situation that the entire question ought to be determined legislatively, and that some method should be devised whereby the revested railroad lands under Interior could be consolidated into a block for ease and efficiency of administration and the national forest lands under the Department of Agriculture into another block for the same purpose. This bill would accomplish that purpose.

Because of the fact that there is a distribution of funds from the O. & C. Railroad lands to local governmental units much greater than the distribution to local units in the case of Forest Service lands, the question of the legal character of the 472,000 acres is of great importance to the people of Oregon. The courts have determined that question.

I think there can be no doubt left about it.

This bill meets the overall situation by providing that the 472,000 controverted acres are declared to be revested O. and C. lands. This is precisely what the court declared them to be.

However, these lands will continue to be administered by the National Forest Service as national forest lands, for all administrative purposes. Receipts, however are to be covered into the O. and C. revested land-grant fund.

Thus, the bill, S. 2225, takes care of both the administrative question and the jurisdictional one, as far as the 472,000 acres are concerned.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. AIKEN. If the receipts are counted in with the revested land funds, will that mean that there will be a different contribution to the communities from the Forest Service lands in this area than there is in other parts of the country, or will the contribution be exactly the same as it is in the other 47 States?

Mr. CORDON. So far as the national-forest lands are concerned, it will continue to be exactly the same in the State of Oregon as elsewhere.

Mr. AIKEN. At present there is quite a difference in the percentage contribution from these lands to the localities.

Mr. CORDON. That is correct. Payment to the O. and C. funds will be with respect to the lands which are inside the national forest, geographically speaking, but which are, and have been legally declared to be, revested O. and C. lands.

Mr. AIKEN. Will the procedure be to incorporate the part of these lands which is contiguous to the national forest into national-forest lands, and the other part into the revested lands?

Mr. CORDON. I will come to that question later. First let me deal with the 472,000 acres, and then I shall answer the Senator's other question.

Mr. AIKEN. I have been interested in this problem ever since I first came to the Senate. It is one which is peculiar to that locality, and to no other locality in the United States that I know of.

Mr. CORDON. There is no comparable situation with respect to public lands anywhere else in the United States of which I know.

Mr. AIKEN. It seems to me the question should have been settled before. Certainly it should be settled now. I should like to know how it is to be settled.

Mr. CORDON. With respect to the 472,000 acres, there is a provision in the bill under which the Department of Agriculture may block up an area which is equivalent in value to the odd-numbered sections of revested lands which are included in the 472,000 acres for accounting purposes.

Mr. AIKEN. Will that land be plotted out of a row of sections?

Mr. CORDON. It could be within any area in any of the counties where the land is located, so long as the county in

which it is located is in agreement with the head of the Federal department concerned with respect to the value.

Mr. AIKEN. Does all this land have trees on it?

Mr. CORDON. Yes. Some of it has been cut over, and is growing a new crop of trees, but the land is all rough, mountainous, timbered land.

Mr. AIKEN. Is it to be divided in such a manner that there will be equal values, as between the forest land and the railroad land?

Mr. CORDON. The Senator is entirely correct.

With respect to the other area of revested lands, as to which there has never been any question regarding administrative jurisdiction, but which area is also checkerboarded with national forest land, the bill carries a provision that the two departments may exchange jurisdictions, so that the land will, so to speak, be divided by a line down the middle, except that the line will vary to fit the topography and all the other factors which enter into good management.

JURISDICTIONAL ISSUE TO BE RESOLVED

On one side will be national forest lands, solid. On the other side will be revested grant lands, solid. There should be no further difficulty from the administrative viewpoint.

Mr. AIKEN. In the event the two departments do not agree on the division of the land, how is the question to be settled?

Mr. CORDON. The bill has been prepared on the assumption that the two departments are to act upon the mandate of the Congress, and agree. I am quite sure they will.

Mr. AIKEN. I hope they will.

Mr. CORDON. When we get out into the field where the job is being done, we find a devoted group of public servants, men who have been trained in the profession of forestry, men whose lives are devoted to carrying out the ideal of perpetual sustained-yield management of forests. I do not expect any difficulty in connection with the matter of exchange for purposes of consolidation and better administration.

Mr. AIKEN. Are the departments required to agree within a certain time? Is there a specified time limit?

Mr. CORDON. A period of 2 years is provided, by a committee amendment. Originally the bill provided a period of 1 year. That has been increased to 2. The language on page 3, line 8, in the committee amendment provides a period of 2 years for that purpose, instead of 1 year. Of course, if the departments could not agree within that time, I am sure there could be an extension of time. However, I think there should be a little compulsion on them to get on with the job.

Mr. AIKEN. As I understand, no provision is made for a transfer of any of these lands to any agency, to any individual, or to any interested party, other than the two departments of Government.

Mr. CORDON. The Senator is correct; nor is there any provision which in any way would interfere with the sustained-yield management practices which are by

law required of the Government and its employees.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). The question is on agreeing to the committee amendment.

Mr. MORSE. Mr. President, I wish to address myself to the bill for a few minutes. First, for the RECORD, I wish to make a brief statement on the background of the O. and C. controversy.

By acts of Congress in 1866 and 1870, it was provided that the Oregon & California Railroad was entitled to select, from a strip 20 miles wide on either side of the track line, alternate sections of public land to be sold to settlers.

It was further provided that if 10 full sections could not be found on each side of the track line within the 20-mile strip, because of prior homesteading, or preemption, the railroad could select odd-numbered sections in an additional 5-mile strip outside of the 20-mile strip. The additional strip has come to be known as the indemnity strip.

In 1916 Congress, on the ground that the railroad had violated the terms of the grant, directed that all unsold lands should be revested in the United States. These lands—known as the O. and C. lands—have been administered by the Secretary of the Interior and revenue from timber on the lands has been distributed in recent years under a formula providing that 75 percent of the revenue goes to the 18 western Oregon counties in which the lands are located, and 25 percent to the Government for administration.

By presidential proclamations issued in 1892, 1893, 1906, and 1907, public lands outside the 20-mile strip were placed in the national forest reserves, under the administration of the Secretary of Agriculture. The fact that the indemnity lands were set aside in the public area outside of the 20-mile strip was apparently overlooked at the time of the proclamations.

For many years there has existed between the Department of Interior and the Department of Agriculture, a controversy over the administrative jurisdiction of 462,731 acres of lands lying along the fringes of the original O. and C. lands but within the borders of the national forest.

These lands, which have been known as the controverted lands have been the subject of much proposed legislation, and of law suits. There exists a fund of over \$7 million impounded by agreement between the Secretaries of Interior and Agriculture, pending a decision as to whether or not the lands should be treated as lands revested from the railroad by the 1916 act of Congress.

On June 26, 1953, the senior Senator from Oregon [Mr. CORDON] introduced a bill, S. 2225, apparently designed to compromise the jurisdictional dispute between the Departments of Interior and Agriculture, by providing that administrative jurisdiction of the so-called controverted lands should be given to the Secretary of Agriculture, but the revenues from timber cut on the lands should be distributed under the same O. and C. formula of 75 percent to the

Oregon counties and 25 percent to the Government.

The bill also provides for exchanges of lands between the Departments of Interior and Agriculture, so that lands can be brought into blocks for better administration, instead of existing as alternate sections, one of which is administered under one plan and the next under another.

There have existed two theories as to how the matter of the "controverted" lands should be settled. It has been approached legislatively, as indicated by S. 2225, and at the same time one of the Oregon counties, Clackamas County, has taken the question to the courts for a judicial determination. In July 1953, I introduced a bill to give jurisdiction of the matter to the courts, after the Federal District Court for Oregon refused to consider the matter on the merits, claiming that it did not have jurisdiction.

About April 4, 1954, it was announced that S. 2225 would be acted upon by the Senate Committee on Interior and Insular Affairs.

Commissioners from Clackamas County, the county which was pursuing the matter by litigation in the Federal courts, petitioned members of the committee for a hearing. The Senator from Montana [Mr. MURRAY] supported this request, and a hearing was scheduled for May 4, 1954.

On April 30, 1954, the United States Court of Appeals for the District of Columbia Circuit announced a decision in the case brought by Clackamas County against the Secretaries of Interior and Agriculture, on appeal from the Oregon District Court.

The decision provided, in part:

The judgment of the district court will be reversed and the case remanded with instructions to enter a decree in accordance with the terms of this opinion. The decree will enjoin the Secretary of Agriculture from interfering with compliance by any other Government official with the terms of the acts of 1916 and 1937, and specifically from interfering with the distribution by the Secretary of the Interior and the Treasurer of the United States of the moneys which remain as balances in the account in the Treasury which by the terms of the statute was a special account of which the proper title was "The Oregon and California Land Grant Fund," and from interfering with the treatment of the 472,000 acres of land here involved as land revested from the railroad by the 1916 act of Congress; and will direct the Secretary of the Interior to issue authorization to the Treasurer of the United States to distribute the balances in the aforesaid account to the entities named in the pertinent statutes and in the proportions therein specified.

It appears to me that by this decision the court of appeals concluded that the so-called controverted lands were in fact O. and C. lands.

Four days after the court decision, on May 4, the Committee on Interior and Insular Affairs held its hearings on S. 2225. Mr. Robert Jones and Mr. Stanley Skoko, county commissioners for Clackamas County, testified briefly before the committee and were given a week in which to submit their views on the bill in written form, their statements pre-

sumably to be included as parts of the printed record of the hearings.

At the time they testified, Commissioners Jones and Skoko submitted to the committee a substitute bill, the intention of which was to provide that the administration of the 462,731 acres of formerly "controverted" lands should be placed in the hands of the Secretary of the Interior.

I should like to mention at this point that the Secretary of the Interior, through the Bureau of Land Management, at the present time administers several million acres of Federal forest land, including over 2 million acres of so-called O. and C. lands in western Oregon on which is standing timber valued at \$1 billion or more.

On May 13, 1954, Commissioners Jones and Skoko received the following telegram from the chairman of the Committee on Interior and Insular Affairs:

Please advise by return wire whether you support solution O. and C. controversy proposed in amended S. 2225. Amendments meet points raised by your appearance before committee. Need immediate answer if bill to receive favorable action shortly.

HUGH BUTLER,
Chairman.

I wish to say that the amendments to S. 2225, as adopted by the committee, did not meet the objections raised by the Clackamas County commissioners at the hearing. I have here a copy of a telegram which the commissioners dispatched to the committee chairman on May 14. The telegram states in part:

Section 1 aggravates and necessitates a difficult, complex, and questionable accounting procedure in determining the distribution of receipts. It makes necessary two different receipts distribution formulas from forest lands of one character and retains the "checkerboard" enigma of ownership. Section 1 declares the lands to be Oregon and California lands and in the same sentence denies Interior the right of administration and jurisdiction over the land. This one-half million acres which was once so-called controverted lands could and should be blocked up under the provisions of section 2 so as to remove grounds for future controversy and the need for subsequent legislation. Section 1, in our opinion, is against the best interests of Oregon. * * * It transfers 20 percent of the 2½ million acres of Oregon and California lands to the national forests for administrative purposes. It is an opening wedge and a foot-in-the-door to later dogged attempts to get the other 80 percent of Oregon and California lands transferred to the forest reserve, thereby extinguishing Oregon's rights to just proceeds from these resources. We are against the passage of S. 2225 in its present form.

On May 11, 2 days before Chairman BUTLER's telegram to the Clackamas County commissioners, S. 2225, as amended, was reported by the committee and placed on the Senate calendar.

Printed reports on the bill were not available until Saturday morning, May 15.

I have been informed by the committee staff that a complete printed transcript of the hearing, including the material submitted by Mr. Jones and Mr. Skoko in opposition to S. 2225, is not yet available.

I have, Mr. President, a transcript of the record of the hearing, and I have the galley sheets submitted to me this morning, but not including the material which Mr. Jones and Mr. Skoko submitted in opposition to the committee amendment.

As a matter of good practice—and I say this most respectfully and kindly—I do not think the Senate should be asked to vote on bills on which hearings have been held and to which strong objections have been raised, without the Members of the Senate having available to them printed transcripts of the hearings to aid them in their understanding of the matters which are the subject of the proposed legislation, particularly when it involves so many technicalities as are present in this instance.

Speaking specifically of the provisions of S. 2225, in view of the decision by the United States court of appeals on April 30, I do not believe that it is any longer necessary for the Congress to attempt to work out a compromise between the Department of the Interior and the Department of Agriculture as to the administrative jurisdiction of the 462,371 acres of land in Oregon which the court has treated as revested O. and C. lands.

The exchange provisions included in section 2 of S. 2225 are important for the purpose of blocking up the separate lands under the jurisdiction of Interior and Agriculture respectively.

Members of the Committee on Interior and Insular Affairs and the author of S. 2225 have said that their only desire in this matter is to block up the lands for administration, and see that they are properly administered. That also is my desire.

As I have said, the Department of the Interior now administers over 2 million acres of O. and C. lands in Oregon. It seems to me that there could be no objection to the Interior Department also managing the 462,731 acres which the court has found to be revested O. and C. lands.

Administration of all lands by the same department would be more sensible and efficient, in my judgment, particularly when Oregon and California lands timber revenues are divided between the Government and the counties on a different formula than are other Federal timber lands.

Administration by the Department of Agriculture would mean that this particular portion of Oregon and California revested lands would receive different treatment than other Oregon and California lands, and in its administration, the Department of Agriculture would have to apply different revenue formulas to different lands under its administrative jurisdiction.

I think S. 2225 should be amended to provide that administrative jurisdiction of the 462,731 acres of formerly controverted lands shall be in the Department of the Interior with the other Oregon and California lands, but that the present blocking-up provisions in section 2 of the bill should be retained.

I am sure that the senior Senator from Oregon can see no objection to the lands

being administered by the Secretary of the Interior. On January 17, 1951, he introduced a bill, S. 539, 82d Congress, which provided:

The authority of the Secretary of the Interior with respect to the administration of the revested Oregon and California railroad grant lands shall be deemed to extend to, among other lands, all the unpatented lands in the odd-numbered sections included within the indemnity limits of the grant made to such railroads by the act of July 25, 1866.

It seems to me that the recent court decision removed the necessity for a compromise bill and at the same time removed any objection to passage of a bill of the kind introduced by the senior Senator from Oregon 3 years ago.

It is my feeling that the people of the State of Oregon favor administration of the lands by the Department of the Interior, and indeed expect that the Congress will now provide for such administration.

I should like to quote from an editorial appearing in the Portland Oregonian on May 4, 1954. The editorial stated:

Now that the court has declared the controverted lands to be under Interior jurisdiction, which was the first preference of nearly everyone in Oregon, it would seem to be possible to go on from there, to block up the 472,000 acres * * * and to close ranks in support of a valuable resource separated both physically and administratively from the national forest reserves.

An editorial apparently favoring passage of S. 2225 which appeared in the Salem (Oreg.) Statesman a few days ago, assumed that the purpose of S. 2225 was to provide for temporary administration by the Secretary of Agriculture during the blocking-up process.

I quote from the Statesman editorial:

The Cordon-Elisworth bill has sought the same objective: application of the formula, and the further purpose of exchange of lands to get the 472,000 acres of controverted lands out of national forests into blocks that could be administered by the Bureau of Land Management. The bill was altered in the Senate committee to give 2 years' time for the exchange, and to meet other objections from Clackamas County.

The Clackamas County Commissioners still object to the provision that the lands remain under the national forest administration. This seems a minimum point of disagreement. This would be temporary until the land exchange could be completed. It would be cheaper to have one agency already supervising the lands continue to do so.

It can readily be seen that although some confusion exists as to the purpose of S. 2225, the Statesman editor assumes and supports administration of the lands in the future by the Department of the Interior.

I should like to point out that there is no use of the word "temporary" in S. 2225, and no mention was made in the May 4 hearing of the administration provided for in the bill being temporary.

Mr. CORDON. Mr. President, will my colleague yield?

Mr. MORSE. I yield.

Mr. CORDON. The Senator mentioned the word "temporary" as being in the bill.

Mr. MORSE. As not being in the bill.

Mr. CORDON. I misunderstood the Senator.

Mr. MORSE. I will reread the sentence. I may have misstated it, but I do not think so. The sentence is as follows:

I should like to point out that there is no use of the word "temporary" in S. 2225, and no mention was made in the May 4 hearing of the administration provided for in the bill being temporary.

Therefore, passage of the bill as reported would, in my judgment, make administration by the Department of Agriculture permanent. If S. 2225 in its present form is passed, it will be extremely difficult at some later date to change administration to the Department of the Interior, because we all know that once jurisdiction is vested in a department, it is like pulling teeth to take it away.

It is my opinion that this matter should be settled now, at the time the bill is passed. In our objective I do not think my senior colleague and I differ one whit. I think our difference, if we have a difference on this point, is only on the question of administration. It hinges upon whether the whole administrative obligation and authority should be given to the Department of the Interior or the Department of Agriculture.

It is my opinion, therefore, that the matter should be settled now, once and for all, in a manner consistent with the decision of the court of appeals. I submit that the adoption of an amendment providing for administration of the formerly controverted lands by the Department of the Interior, the Department which administers the other 2 million or more acres of O. and C. lands, is consistent with that court decision.

I desire to submit my amendment, which is as follows—

The PRESIDING OFFICER. The Chair will advise the Senator that the amendment is not subject to being offered at this time.

Mr. MORSE. I understand. However, I desire to explain it as part of my remarks. Then I will offer it.

On page 2, beginning with "continue" in line 6, I propose to strike out all through line 9 and insert in lieu thereof the following: "be administered as re-vested Oregon and California railroad grant lands. All revenues derived from".

On page 2, beginning with "No part" in line 20, strike out all through line 22.

On pages 4 and 5, beginning with line 13 on page 4, strike out all through "2 and 3" in line 4, on page 5, and insert in lieu thereof the following:

Sec. 3. For the purpose of carrying out the provisions of section 2.

I shall submit the amendment in due course, when it is in order, because, in my judgment, the amendment implements the court decision. I think the court decision settles, once and for all, the legal question in regard to the controverted land. I think the court decision makes it very clear that the administration ought to be placed in the Department of the Interior. In my opinion that should be done now, in order to bring to an end a controversy which has raged in the State of Oregon for a great many years, a controversy about which many people are ill informed be-

cause of its technicalities and complexities. But now, with the court decision and with my colleague's bill, if there be added to it my amendment, I think it will be possible to bring to rest a long-standing controversy between the counties of our State and the departments of Government.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. CORDON. Mr. President, I have listened with interest to the presentation made by my junior colleague of his views with respect to the pending legislation. I am certain that I will find him in entire agreement with the suggestion that although his proposals would amend the bill in several different places, they constitute, in effect, a single amendment. No doubt he would be willing to have his proposed changes treated as one amendment, in our consideration of the matter.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. CORDON. I am glad to yield.

Mr. MORSE. I desire to say that I shall ask that the amendments be considered en bloc.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CORDON. I yield to the Senator from Vermont.

Mr. AIKEN. I wish to get clear in my mind what is sought to be done by the amendment offered by the junior Senator from Oregon. Does it mean that all the lands, or any part of them, will be administered as lands of the Department of the Interior?

Mr. CORDON. That is not the way I understand it. As I see it, the proposed changes would provide that as to the 472,000 acres, the administration of which has been in controversy since early in the century, long before the lands were re-vested, administrative jurisdiction would be placed in the Department of the Interior instead of permitting such jurisdiction to remain in the Department of Agriculture.

Mr. AIKEN. What about the division of income?

Mr. CORDON. In that respect, the lands are treated wholly, as O. and C. lands, and the division of income would be that of re-vested lands.

Mr. AIKEN. Would the bill as reported by the senior Senator from Oregon leave the income to the State of Oregon virtually as it is now?

Mr. CORDON. It would. Distribution of the income is the same in the bill as reported to the Senate and in the amendment offered by the junior Senator from Oregon.

Mr. MORSE. I do not change the Senator's formula at all.

Mr. AIKEN. That is what I wanted to know. I wanted to make certain that the other 47 States are protected.

Mr. CORDON. Mr. President, I think the matter in differences are perhaps more apparent than real. There is no difference with respect to what ought to be done, overall, in connection with the lands.

For many years I have sought to get a legislative determination of the question. I have never had any doubt in my

mind as to what would be the outcome of litigation on the subject.

LEGAL PRINCIPLE WELL ESTABLISHED

The principle of law here involved was enunciated in 1890, in the case of St. Paul Railway against Northern Pacific Railway. The same principle of law was followed in a case in 1921, known as the Northern Pacific Railroad case. It was relied upon by the District Court, in connection with the legal status of other lands in 1925.

In 1951, the United States Court of Appeals for the District of Columbia, in the case of Chapman against Santa Fe Railroad Co., a case arising in the State of the present presiding officer of the Senate [Mr. CHAVEZ], again enunciated the same rule of law. The case went to the Supreme Court on a petition for certiorari. The Supreme Court denied the petition, and, thereby, passed its judgment upon the legal question.

I never have had any question in my own mind about the matter.

RECENT DECISION FOLLOWS RULE

The United States Court of Appeals for the District of Columbia within the last few weeks, in still another case involving these very lands, held again that their legal status is that of lands re-vested as railroad lands by the act of 1916. Thus once gain the same basic rule of law was followed. So I think it can be said that the legal question is settled.

However, Mr. President, I cannot go along with my colleague in the thought that jurisdiction is thereby settled. When the case of 1925 was decided, the court held that those particular lands were re-vested railroad lands; but the court also expressly excluded from its decision any opinion with respect to the validity of the proclamations which purported to place the lands within the national forest reserves.

COURTS HAVE NEVER PASSED ON JURISDICTIONAL QUESTION

The Court held the Federal Government wrongfully appropriated the lands, but it did not pass on the question whether at the time, in 1925, the lands were properly included within and administered by the Department of Agriculture as national forests. Again that question came before a Court in the decision of April 30, 1954, in the case entitled "Clackamas County Against Douglas McKay, Secretary of the Interior, and Ezra Taft Benson, Secretary of Agriculture."

Here once again the Court, resting its decision upon the law as enunciated in 1925, 1921, and 1890, held that the lands were re-vested railroad lands. But, Mr. President, I am troubled with respect to the full application of that doctrine to administration when I read this statement in the decision of April 30, which appears on page 11 of the advance copy, where the Court said:

It may well be, and probably is, true that upon the re-vesting, the proclamations of the President attached to the land and they became forest reserves so far as their future was concerned, but that fact could not destroy the specific directions of Congress as to what should be done with moneys received from sales of timber on them.

Prior to that quotation, the Court had discussed the opinion rendered in 1925, in what we call the accounting case. The circuit court of appeals approved, evidently, although not expressly, the action of the Court then in saying that it did not intend that its "decree would subject the land to homestead entry and sale and thus void the reservation of the land by the President for national forests."

WHICH DEPARTMENT SHOULD ADMINISTER?

As I read first the 1925 decision, and then the decision of April 30, 1954, I can only conclude that there remains a wholly undecided question as to which department should administer the lands. However, there is no question at all with respect to the beneficial interest, the right to revenues. They must be distributed in accordance with the O. and C. lands formula.

Under those circumstances, it seems to me that the sound procedure for the Congress to follow is to settle the jurisdictional issue with respect to which department should handle and manage the lands. That question should be settled permanently at this time, or at least as permanently as law which may be modified, amended, or repealed tomorrow can settle anything.

With the legislative determination as to jurisdiction, there should also be settled legislatively what the courts clearly have settled judicially, that is, the allocation of the money which has accumulated during the period of controversy, and which will accrue in the future. I believe that would be sound procedure.

DECISION MAY BE APPEALED TO SUPREME COURT

I would have no objection at all to the amendment of my colleague were it not for the fact that the question raised would still be before us. I have read excerpts from the Court's opinions which indicate clearly that it would. Also we must take cognizance of the fact that there is pending a motion for rehearing on the decision of April 30, 1954; and that quite possibly there will be an appeal at the end of that rehearing. Such an appeal will take the matter to the United States Supreme Court, and leave us again without any conclusive determination as to jurisdiction even if such determination can be read into the decision.

But we can determine the question here and now legislatively, and thus avoid still further delay and uncertainty. We can determine the question either in accordance with my colleague's views or my views, but we cannot say at this time that the courts have settled the jurisdictional question. It is still a legislative question; the responsibility is that of the Congress.

Over the years I have sought to obtain enactment of legislation which would determine the question. I represented the 18 counties of Oregon in which the lands are located as their counsel for years before I became a Member of the Senate. I have lived with this particular problem in my experience as a lawyer in Oregon. For years I sought to get the matter settled in accordance with

the provisions of the amendment proposed by my junior colleague.

PRESENT BILL A COMPROMISE

However, in 1943, the same matter was heard before the then Senate Committee on Public Lands, the printed records of which hearings would make a book an inch thick, and a bill was reported. The bill reported by the Senate Committee in 1943 was substantially the bill I finally compromised upon—and it is a compromise with my original views—and which was reported unanimously by the Senate Interior Committee last week. That is the bill that is before the Senate for action today.

The 1943 Senate committee at that time agreed that the funds were O. and C. funds, but recommended that the administration of the lands should stay with the Department of Agriculture. These same provisions are in S. 2225, the bill which I deemed it in the best interests of the people of Oregon to sponsor and support. As I say, it is a compromise with my original position, but a compromise that I believe to be in the best interests of the people of Oregon.

Mr. President, whatever the Senate may do with respect to the 472,000 acres, there still remain in western Oregon two areas of California and Oregon Railroad land grants which by law indisputably have been placed under the jurisdiction of the Department of Agriculture for administrative purposes. One such area is in the southern part of the State. Another is west of the city of Corvallis. In both cases provision is made for administration by the Forest Service and for the payment of receipts into the Oregon and California land grant funds. The pending bill would in no wise change the situation with respect to those two areas.

As to them, it was believed that a single administrative agency should be in charge of the drainage basin, which in each instance represented the domestic water supply for a municipality. In each instance the National Forest Service was the chosen agent, and the National Forest Service has administered both through the years.

BILL WOULD NOT ESTABLISH A PRECEDENT

Such cutting of timber as has occurred has been under the jurisdiction, supervision, and administration of the National Forest Service. Receipts have been paid to the Oregon and California land-grant funds, as provided in this bill. In view of that fact, I can see no precedent that could be established by the enactment of the bill, inasmuch as, with respect to the 472,000 acres of land, they have always been administered by the National Forest Service.

The plans of that agency for sustained-yield management of the lands have been predicated over the years on the inclusion of those lands with the intermixed lands. The arrangement proposed by the pending bill will not do violence to the established plan of management there.

That question is altogether different from the question with respect to the balance of the intermixed lands, because with respect to them there has been a

recognition of the dual administrative roles of the Departments of Interior and Agriculture. From the standpoint of sound future administration, I can see no valid objection to maintaining the status quo with respect to administration, particularly in view of the fact that the bill as amended and reported carries a declaration identifying the lands as being revested Oregon and California railroad land.

BILL DOES THE JOB

It also specifically provides for the disposition of receipts, carries a special provision for blocking up for accounting purposes in the future, and carries other provisions necessary for the sound administration of both categories of land. So I cannot see how any valid objection can be advanced against the bill as amended and reported.

I regret that I find myself opposing my colleague, particularly when he now seeks to have the Senate pass the bill in the form in which I have had it before the Senate ever since I have been a Member of the Senate, and for several years prior thereto. But under the circumstances of today I believe the course I suggest is the soundest approach to the matter and is in the best interests of the people of Oregon. Therefore, I hope my colleague may see fit to withdraw his amendments.

COUNTIES APPROVE COMMITTEE BILL

I understand he is representing 2 of the 3 commissioners of 1 of the 18 counties affected.

I find myself here representing the complete county courts of 17 counties and a county judge of the 18th. From the standpoint of local support in Oregon, it would seem that the bill as it is now before the Senate carries the real weight.

Mr. MORSE. Mr. President, let me say good naturedly and most respectfully that I am not representing two commissioners of Clackamas County. I am representing what I believe to be the best interests of the State of Oregon. I believe it is in the best interests of the State of Oregon that we settle this jurisdictional controversy once and for all.

My senior colleague will recall that in the 82d Congress, in the course of colloquy on the floor of the Senate, at the time when he had before the Senate his bill providing for the exercise of jurisdiction by the Department of the Interior, I joined with him in support of the principle of the bill. The CONGRESSIONAL RECORD will show the colloquy which then occurred between the senior Senator and the junior Senator from Oregon, in the course of which I commended him for the bill he then had pending before the Congress. In the 82d Congress he had no objection to the Department of the Interior having jurisdiction. I believe that jurisdiction by the Department of the Interior is as good now as it was then. In my judgment, congressional action in support of such jurisdiction would end legislatively, once and for all, the controversy as to who will administer these lands.

I wish to comment briefly on the language referred to by the senior Senator

from Oregon on page 11 of the Court's decision. He quoted the following passage:

It may well be, and probably is, true that upon the revesting the proclamations of the President attached to the lands and they became forest reserves so far as their future was concerned. But that fact could not destroy the specific directions of Congress as to what should be done with moneys received from sales of timber on them.

Mr. President, it is my opinion that what happened was that in the issuance of the President's proclamation, the indemnity lands were simply overlooked, by failing to make clear that they were excepted from the public lands which were being turned over to the Forest Service.

As I read the history of this issue, I believe that undoubtedly what happened was that in the issuance of the Presidential proclamation, it was forgotten that these particular indemnity lands were physically within the area of the public lands. I have always felt that it was an oversight, Mr. President. I do not think the language cited by my colleague from the decision is controlling. I believe that what is controlling is the order of the Court. Listen to it, Mr. President; I now read from page 34 of the Court's decision:

The judgment of the district court will be reversed and the case remanded with instructions to enter a decree in accordance with the terms of this opinion. The decree will enjoin the Secretary of Agriculture from interfering with compliance by any other Government official with the terms of the acts of 1916 and 1937, and specifically from interfering with the distribution by the Secretary of the Interior and the Treasurer of the United States of the moneys which remain as balances in the account in the Treasury which by the terms of the statute was a special account of which the proper title was "The Oregon and California Land Grant Fund," and from interfering with the treatment of the 472,000 acres of land here involved as land revested from the railroad by the 1916 act of Congress; and will direct the Secretary of the Interior to issue authorization to the Treasurer of the United States to distribute the balances in the aforesaid account to the entities named in the pertinent statutes and in the proportions therein specified.

Mr. President, I think the court's directive makes very clear and definite that the controverted land issue has been settled, and that to all intents and purposes the lands fall within the jurisdiction of the Department of the Interior. I believe we should remove any ambiguity that may be found in any language of the decision; and we should remove it now legislatively by the adoption of my amendments, which will place the jurisdiction within the Department of the Interior.

My colleague has pointed out that two pieces of Oregon and California land have by law been placed within the jurisdiction of the Department of Agriculture. I do not deny that; it is a fact. However, I think we would make an already confused situation more confounded if now we were to follow a course of action which would result in adding a third piece, comprising 472,000 acres, to the other two pieces under the juris-

diction of the Department of Agriculture, particularly in view of the fact, as I have pointed out, that, in round numbers, approximately 2 million acres of Oregon and California lands are already under the jurisdiction of the Department of the Interior. The great bulk of the lands—in comparison with the two small strips referred to by my colleague, which by law are now under the jurisdiction of the Department of Agriculture—are already under the jurisdiction of the Department of the Interior; and I believe the additional 472,000 acres should also be placed under the jurisdiction of the Department of the Interior, in the interest of efficiency of administration.

Mr. President, I have one more point to make, and then I shall close. My colleague has pointed out that a motion for a rehearing is pending, and that there is a possibility that the case may go up on appeal. However, it seems to me that fact is immaterial insofar as it concerns the obligation of the Congress to settle once and for all the jurisdictional question as to administration of these lands.

In view of the court's decision placing upon the Secretary of the Interior the duty of issuing an order to the Treasurer of the United States in respect to the distribution of the Oregon and California fund, I believe we should, on the basis of that directive, remove forever any doubt as to who will administer those lands; and I believe we should do so by adopting my amendments, thus placing the land within the jurisdiction of the Department of the Interior. In my opinion, to do so will simply make good administrative sense.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The question is on agreeing to the first committee amendment, which will again be stated.

The LEGISLATIVE CLERK. On page 1, in line 3, after the word "That", it is proposed to insert "(a)"; and on page 2, after the numerals "1907", it is proposed to insert "are hereby declared to be revested Oregon and California railroad grant lands; and said lands."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The remaining committee amendments will be stated.

The remaining amendments were, in line 15, after "(50 Stat. 874)", to insert "as hereby amended"; after line 22, to insert a new subsection, as follows:

(b) Subsection (a) of title II of the act approved August 28, 1937 (50 Stat. 874), is amended by adding at the end thereof the following proviso: "Provided, however, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county."

On page 3, line 7, after the word "within", to strike out "one year" and insert "two years"; in line 10, after the word "lands", to strike out "or reconveyed Coos Bay Wagon Road grant lands"; in line 12, after the word "forest",

to insert "or within two miles of such boundaries"; in line 21, after the word "revested", to strike out "or reconveyed"; in line 22, after the word "revested", to strike out "or reconveyed"; in line 25, after the word "national", to strike out "forest within the boundaries of which they are situated and" and insert "forests"; on page 4, line 2, after the word "to", to strike out "such"; in the same line, after the word "national", to strike out "forest" and insert "forests"; in line 4, after the word "revested", to strike out "or reconveyed"; and in line 7, after the word "area", to insert "unless otherwise agreed to by the counties concerned."

The PRESIDING OFFICER. The question is on agreeing to the remaining committee amendments.

The amendments were agreed to.

Mr. MORSE. Mr. President, I offer the amendments, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments offered by the Senator from Oregon will be stated.

The LEGISLATIVE CLERK. On page 2, beginning with "continue", in line 6, it is proposed to strike out all through line 9 and insert in lieu thereof the following: "be administered as revested Oregon and California Railroad grant lands. All revenues derived from."

On page 2, beginning with "No part", in line 20, it is proposed to strike out all through line 22.

On pages 4 and 5, beginning with line 13 on page 4, it is proposed to strike out all through "2 and 3" in line 4, on page 5, and insert in lieu thereof the following:

SEC. 3. For the purpose of carrying out the provisions of section 2.

The PRESIDING OFFICER. Does the Senator from Oregon wish to have his amendments considered en bloc?

Mr. MORSE. I do. I ask that the amendments which I have offered be considered en bloc.

The PRESIDING OFFICER. Without objection, they will be considered en bloc.

Mr. MORSE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Eastland	Monroney
Anderson	Ferguson	Morse
Barrett	Frear	Murray
Bennett	Fulbright	Pastore
Burke	Green	Payne
Bush	Hayden	Purtell
Butler, Md.	Hendrickson	Russell
Chavez	Hickenlooper	Schoeppel
Clements	Hill	Smith, N. J.
Cordon	Holland	Upton
Dirksen	Johnson, Tex.	Williams
Douglas	Malone	Young
Dworshak	Mansfield	

Mr. FERGUSON. I announce that the Senator from Maryland [Mr. BEALL], the Senator from California [Mr. KUCHEL], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Vermont [Mr. FLANDERS] are necessarily absent.

The Senator from Nebraska [Mrs. BOWRING], the Senator from Ohio [Mr. BRICKER], the Senator from Arizona [Mr.

GOLDWATER], the Senator from California [Mr. KNOWLAND], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

Mr. PASTORE. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Colorado [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from North Carolina [Mr. LENNON], and the Senator from Arkansas [Mr. McCLELLAN] are absent on official business.

The Senator from New York [Mr. LEHMAN], and the Senator from Nevada [Mr. McCARRAN] are absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is not present.

Mr. FERGUSON. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. BRIDGES, Mr. BUTLER of Maryland, Mr. BYRD, Mr. CAPEHART, Mr. CARLSON, Mr. CASE, Mr. COOPER, Mr. DANIEL, Mr. DUFF, Mr. GEORGE, Mr. GILLETTE, Mr. HENNINGS, Mr. HUNT, Mr. IVES, Mr. JACKSON, Mr. JENNER, Mr. KENNEDY, Mr. KILGORE, Mr. LANGER, Mr. LONG, Mr. MAGNUSON, Mr. MARTIN, Mr. MAYBANK, Mr. MCCARTHY, Mr. MILLIKIN, Mr. MUNDT, Mr. NEELY, Mr. POTTER, Mr. ROBERTSON, Mr. SMATHERS, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. STENNIS, Mr. SYMINGTON, Mr. THYE, Mr. WATKINS, and Mr. WELKER entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. BARRETT in the chair). A quorum is present.

The question is on agreeing en bloc to the amendments offered by the Senator from Oregon.

Mr. MORSE. Mr. President, I ask for the yeas and nays on my amendments. The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I think there is considerable merit in the argument of the junior Senator from Oregon [Mr. MORSE] for having the land under one management. In view of the fact, as I understand, that it is timberland, it seems to me that it would be more appropriate that the land be placed under the management of the Forest Service, rather than of the Department of the Interior. For that reason, I could not vote for the amendment which puts all the forest land under the management of the Department of the Interior. If the junior Senator from Oregon would change his amendment, so as to put all the land under the management of the Forest Service, I probably should be inclined to vote for his amendment.

Mr. MORSE. Then I would be accepting my colleague's bill. I wonder if the Senator from Vermont is aware of the fact that we are dealing with a special body of land, 2 million acres of which are already under the jurisdiction and

administration of the Department of the Interior. The bill relates to an additional 462,731 acres.

It seems to me that if the Department of the Interior is to continue to have jurisdiction over more than 2 million acres of this particular type of land, save and except for the 2 relatively small pieces to which the senior Senator from Oregon has referred, then the 462,731 acres of O. and C. lands involved in this bill should be placed under the jurisdiction of the Department of the Interior for administration. Administrative efficiency plus uniformity of administrative practice and policy dictate such a course of action.

The Senator also needs to keep in mind the fact that what concerns us in Oregon is that in the future a different formula may be applied by the Department of Agriculture than that which is required to be applied by the Department of the Interior. Many people in my State fear that danger, and that is why they urge that these O. and C. lands be placed under the jurisdiction of the Department of the Interior.

Mr. AIKEN. As the Senator from Oregon knows, the President of the United States has the authority to shift the land from one department to another; but since the law has been enacted no President of the United States has seen fit to make such a shift.

In my opinion, rather than to place the 4 million acres of timberland under the Department of the Interior, I would prefer to have the other 2 million acres transferred to the management of the Forest Service. I certainly hope the President now in office will favor such a move and will make progress in that direction, because I believe that forest land should be under the management of the Forest Service. I believe that open land and resources available to mining interests may more properly be placed under the jurisdiction of the Department of the Interior.

I think we would be taking a step in a backward direction by placing more forest land under the jurisdiction of the Department of the Interior when we should be placing timberland under the Forest Service and perhaps more of our open land under the Department of the Interior.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MORSE. I say, most respectfully, that I think the Senator misspoke himself. I believe he knows that it is 472,000 acres which are concerned, not 4 million acres.

Mr. AIKEN. I did not know the exact number of acres. I thank the Senator for the correction.

Mr. MORSE. Four hundred sixty-two thousand seven hundred and thirty-one acres, under my amendment and the court decision, would be added to the 2 million of O. and C. land which the Department of the Interior already administers.

On page 2 of the bill, my colleague makes it perfectly clear that these are O. and C. lands. Beginning on line 4, page 2, the language is as follows: "are

hereby declared to be revested Oregon & California Railroad grant lands; and said lands shall continue to be administered."

I am simply offering an amendment at this point to the effect that the lands shall be administered by the department which already has jurisdiction of the great bulk of O. and C. lands.

Mr. AIKEN. I understand the Senator's position, but I think that the land which is covered by trees should be under the jurisdiction of the Forest Service.

Mr. CORDON. Mr. President, because of the presence of a larger number of Senators now, I think I should make a brief statement before a vote is had on the question.

The bill itself provides for settling an administrative controversy which has existed between the Department of Agriculture and the Department of the Interior since the beginning of the century. It now relates to only 472,000 acres of land in the State of Oregon, land which was granted to the Oregon & California Railroad Co., to aid in the building of a railroad, but title to which revested in the Federal Government in 1916, because of a violation by the railroad company of certain covenants in the granting act. The revenues from the lands so revested were dedicated, as in the first instance, to the upbuilding of the area through which the railroad was built.

DIFFICULTY IN GETTING AGREEMENT

This particular grant has had a long legislative history, and an equally long judicial history. Over a period of many years, I have sought to get a settlement of the controversy through congressional action. It has been most difficult to get the two departments to agree upon the law or upon the facts.

I think the law is completely established today. In my opinion, the legal question need not worry us any further. It is now a question of legislative judgment with respect to the 472,000 acres which geographically are within the borders of the national forest, and which have been administered by the Forest Service since the Forest Service was created, but which legally are a part of the revested grant. With respect to revested lands generally, administration, and jurisdiction is in the Department of the Interior.

After long effort, I finally obtained agreement by the two departments on the administrative aspects of the amended bill, which heretofore has provided for transfer of jurisdiction of the 472,000 acres to the Department of the Interior from the Department of Agriculture. So far as I am concerned, it is satisfactory to leave the administration of these particular lands where it always has been—in the Department of Agriculture—which will administer them on the sustained-yield principle. Revenues, however, will be distributed as though these lands were administered by the Department of the Interior, because legally they are a part of the revested grant. That is the situation.

My colleague, the distinguished junior Senator from Oregon, has offered an amendment which would change the administration from the Forest Service to

the Department of the Interior. That is the only question involved.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. CORDON. I yield.

Mr. DOUGLAS. Is there any difference between the proportion of revenues which the Department of the Interior shares with counties and local governments, and the proportion which the Department of Agriculture shares?

Mr. CORDON. Oh, yes; particularly with reference to these lands. That was discussed at some length earlier today.

Mr. DOUGLAS. Which department would give a larger share of revenues to the counties?

Mr. CORDON. The Department of the Interior would, to the extent that it administers O. and C. lands. The Department of Agriculture would be in exactly the same position so far as its administration of O. and C. land is concerned. But that the share of the revenues going to the counties would be much larger than that from national forest land.

Mr. DOUGLAS. What I am trying to determine is this: If the amendment offered by the junior Senator from Oregon is agreed to, giving jurisdiction and administration to the Department of the Interior, would a larger share of the revenues be rebated to the counties and local governments than would be the case under the bill itself?

Mr. CORDON. There would be no difference at all.

Mr. DOUGLAS. Would there be any difference concerning the provisions so far as access roads are concerned?

Mr. CORDON. There would be no difference so far as roads are concerned. There would be this difference so far as the funds for those roads are concerned: The National Forest Service roads are built under a different procedure than has been adopted for the O. and C. lands; therefore the Committee on Appropriations has appropriated funds for that purpose and charged them against receipts of the O. and C. lands.

Mr. DOUGLAS. What I am trying to get at is what the practical difference would be as between administration procedures of the Department of the Interior and the Department of Agriculture, and whether, in the judgment of the Senator from Oregon, more funds would be available for access roads under administration by the Department of the Interior as compared with administration by the Department of Agriculture.

Mr. CORDON. I doubt whether there would be much difference. I have not noticed any great difference as between the two classes of lands. As far as the sources of money are concerned and as far as getting the job done is concerned, it may be that the Department of Agriculture has received more money because it has been a longer established organization. It has been better known as an administrator of forest lands, and it may be that acre for acre it has been appropriated more money for roads, although I do not know.

Mr. DOUGLAS. The Department of Agriculture has more acres under its administration, has it not, since the heavy

timber lands have generally been placed in the Forest Service, which, of course, is part of the Department of Agriculture, and the Department of the Interior has tended to have jurisdiction of barren mountain and plateau lands?

Mr. CORDON. Generally speaking, that is true, although the area under discussion is an exception.

Mr. DOUGLAS. Is there any difference between the stumpage rates as charged by the Department of Agriculture and those charged by the Department of the Interior?

Mr. CORDON. No more than there would be a difference in stumpage rates as between two given tracts of land.

Mr. DOUGLAS. Would the stumpage rates be identical for the same piece of land, regardless of whether the Department of Interior or the Department of Agriculture administered the land?

Mr. CORDON. The timber on such lands is put up for auction. Therefore, there would be no difference in that respect. There may be an upset price, although I do not know that that is correct. The sale of timber by the Forest Service is on the basis of an actual log scale. The sale of timber on the O. and C. lands is on what is known as a cruise or estimate basis. The difference in the net result would not be very great.

Mr. DOUGLAS. As the Senator from Oregon well knows, one of the great objects of dispute in the Pacific Northwest and, to some degree, in California, is between the so-called small independent operators and the large operators. The small independent operators from time to time have charged that lack of access roads has prevented them from buying timber, which is inaccessible to them, but which can be reached by private roads built by the large operators.

Mr. CORDON. That same situation exists whether jurisdiction is placed in the Department of Agriculture or remains in the Department of Interior. Incidentally, the situation the Senator describes is less true with respect to the O. and C. lands, because such lands are down nearer the valley floor.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. CORDON. I yield to the Senator from Vermont.

Mr. AIKEN. Is it not a fact that Interior Department lands are located in 16 States and Territories?

Mr. CORDON. Sixteen States? I am not certain without refreshing my recollection.

Mr. AIKEN. The lands administered by the Department of the Interior are located west of the 100th meridian, are they not?

Mr. CORDON. Lands administered by the Interior Department are located in all parts of the United States.

Mr. AIKEN. I am not speaking of national monuments.

Mr. CORDON. However, most of the primary public domain lands, I believe, are west of the 100th meridian, with some small exceptions. There are such exceptions, however.

Mr. AIKEN. Such lands are not distributed as widely as are lands administered by the Forest Service, which lands

are located in all parts of the country. Is that correct?

Mr. CORDON. That is correct.

Mr. AIKEN. Is it not a fact that when national forests are reduced even by 200,000 acres, except for that part of the revenues which is required to be spent in the locality, the revenues of all the States would be affected to a slight degree by the reduction in the size of the national forests and the income of the national forests?

Mr. CORDON. I believe the statement of the Senator from Vermont is in error.

Mr. AIKEN. I was asking for information. What becomes of the income received by the Department of the Interior from forest lands and grazing lands in its jurisdiction? Grazing lands have an administrative cost, and that is about all. Is that not correct?

Mr. CORDON. There is a division of receipts between the Federal Government and the counties.

Mr. AIKEN. I shall not pursue the question further, because I do not think it makes any difference in the question before the Senate at the present time. I was just asking for information, because I did not know the answer to the question I asked.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Oregon [Mr. MORSE]. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. FERGUSON. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Vermont [Mr. FLANDERS], the Senator from California [Mr. KUCHEL], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from Nebraska [Mrs. BOWRING], the Senator from Ohio [Mr. BRICKER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Wisconsin [Mr. WILEY], and the Senator from California [Mr. KNOWLAND] are absent on official business.

If present and voting the Senator from Nebraska [Mrs. BOWRING], the Senator from Vermont [Mr. FLANDERS], the Senator from California [Mr. KNOWLAND], the Senator from Massachusetts [Mr. SALTONSTALL], and the Senator from Wisconsin [Mr. WILEY] would each vote "nay."

Mr. PASTORE. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Kentucky [Mr. CLEMENTS], the Senator from Louisiana [Mr. ELLENDER], the Senators from Tennessee [Mr. GORE and Mr. KEFAUVER], the Senator from Rhode Island [Mr. GREEN], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Colorado [Mr. JOHNSON], the Senator from Texas [Mr. JOHNSON], the Senator from South Carolina [Mr. JOHNSTON], the Senator from Oklahoma [Mr. KERR], the Senator from North Carolina [Mr. LENNON], the Senator from Arkansas [Mr. McCLELLAN], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

The Senator from New York [Mr. LEHMAN] and the Senator from Nevada [Mr. McCARRAN] are absent by leave of the Senate.

The result was announced—yeas 18, nays 52, as follows:

YEAS—18

Burke	Jackson	Morse
Chavez	Kilgore	Murray
Douglas	Langer	Neely
Fulbright	Magnuson	Pastore
Hennings	Mansfield	Sparkman
Hill	Monroney	Symington

NAYS—52

Aiken	Ferguson	Mundt
Barrett	Frear	Payne
Bennett	George	Potter
Bridges	Gillette	Purtell
Bush	Hayden	Robertson
Butler, Md.	Hendrickson	Schoeppel
Butler, Nebr.	Hickenlooper	Smathers
Byrd	Holland	Smith, Maine
Capehart	Hunt	Smith, N. J.
Carlson	Ives	Stennis
Case	Jenner	Thye
Cooper	Kennedy	Upton
Cordon	Long	Watkins
Daniel	Malone	Welker
Dirksen	Martin	Williams
Duff	Maybank	Young
Dworshak	McCarthy	
Eastland	Millikin	

NOT VOTING—25

Anderson	Green	Lehman
Beall	Humphrey	Lennon
Bowring	Johnson, Colo.	McCarran
Bricker	Johnson, Tex.	McClellan
Clements	Johnston, S. C.	Russell
Ellender	Kefauver	Saltonstall
Flanders	Kerr	Wiley
Goldwater	Knowland	
Gore	Kuchel	

So the amendments of Mr. MORSE were rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That (a) those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon & California Railroad land grant authorized by the act of July 25, 1866 (14 Stat. 239), as amended by the act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of *United States v. Oregon & California R. R. Co.* (8 F. (2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the date of June 17, 1892, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are hereby declared to be revested Oregon & California Railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules, and regulations applicable to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of title II of the act approved August 28, 1937 (50 Stat. 874) as hereby amended, and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the pro-

visions of this act shall affect revenues heretofore distributed. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(b) Subsection (a) of title II of the act approved August 28, 1937 (50 Stat. 874), is amended by adding at the end thereof the following proviso: "*Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon & California Railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county."

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within 2 years after the enactment of this act, to exchange administrative jurisdiction of revested Oregon & California Railroad grant lands lying within the boundaries of any national forest or within 2 miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits, or other existing rights: *Provided*, That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the countries concerned. The exchanges provided for herein shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this act are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that act shall be applicable to the lands so designated in lieu of the lands described in section 1 of this act: *Provided, however*, That such designation shall not become effective until approved by the county court of the county in which the lands are located.

SEC. 4. For the purpose of carrying out the provisions of sections 2 and 3 of this act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of

the two Houses on the amendments of the Senate to the bill (H. R. 1815) to amend the Recreation Act of June 14, 1926, to include other public purposes and to permit nonprofit organizations to lease public lands for certain purposes.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2828) to amend the act of Congress of September 3, 1935 (49 Stat. 1085), as amended; that the House insisted upon its disagreement to the amendments of the Senate to the bill; requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. D'EWART, Mr. HARRISON of Wyoming, Mr. BERRY, Mr. ENGLE, and Mr. ASPINALL were appointed managers on the part of the House at the further conference.

The message further announced that the House insisted upon its amendments to the bill (S. 2846) to amend certain provisions of the Securities Act of 1933, as amended, the Securities Exchange Act of 1934, as amended, the Trust Indenture Act of 1939, and the Investment Company Act of 1940, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOLVERTON, Mr. DOLLIVER, Mr. HESELTON, Mr. BENNETT of Michigan, Mr. PRIEST, Mr. HARRIS, and Mr. ROGERS of Florida were appointed managers on the part of the House at the conference.

INTEGRITY OF THE SUPREME COURT

Mr. BUTLER of Maryland. Mr. President, on May 11, the Senate passed, by a vote of 58 to 19, Senate Joint Resolution 44, proposing an amendment to the Constitution of the United States in connection with the composition and jurisdiction of the Supreme Court.

Immediately after the passage of the joint resolution certain editorial comment seemed to indicate that the question had not been given sufficient study prior to the time of passage. I hold in my hand a letter which was printed in the New York Times of Wednesday, May 19, written by my dear friend Edwin A. Falk, chairman of the Special Committee on the Federal Courts of the Association of the Bar of the City of New York. The headline in the New York Times is entitled "Integrity of Supreme Court: Background Given on Studies Made To Reinforce Its Inviolability." The letter is addressed to the editor of the New York Times, and reads as follows:

It was gratifying to read in the May 14 issue your editorial called Guarding the Supreme Court endorsing the approval by the Senate of Senator JOHN MARSHALL BUTLER'S proposed amendment to the Constitution of the United States fixing at nine the number of Justices of the Supreme Court, removing from Congress the power to impair, in constitutional cases, the appellate jurisdiction of the Supreme Court, and requiring all Federal judges with lifetime appointments to retire upon reaching 75.

As you say, "This is a good time, when no such issue is before the country, to reinforce

the inviolability and integrity of the Supreme Court."

The matter of forestalling future cyclical attacks upon the independence of the judiciary has been given intensive study since the court-packing project of 1937. As long ago as 1946 the Association of the Bar of the City of New York appointed a special committee to consider the problem. Among those consulted were the late Chief Justice Charles Evans Hughes, Justice Owen J. Roberts, and other leading authorities in the field and literature of American constitutional law.

The city bar association held a discussion of the committee's report in December 1947, and resolutions were adopted embodying substantially what eventually became the proposed amendment that was approved by the Senate on May 11, 1954. In the meantime, former Attorney General William D. Mitchell, John W. Davis, John G. Buchanan, then president of the Pennsylvania Bar Association, many other individuals, and the New York State Bar Association gave their endorsement, as did the American Bar Association in 1950 after thorough study by appropriate distinguished committees and debates by its house of delegates at several annual meetings.

When the Senate voted it had had before it the report of its Judiciary Committee based upon careful study by its members and after the public hearing, upon due notice, at which Justice Roberts, Harrison Tweed, president of the American Law Institute, the present Chief Judge Frederick W. Bruhe, of the Maryland Court of Appeals; and several spokesmen for the American Bar Association from various parts of the country gave oral testimony and at which Chairman LANGER made it clear that any others interested would have been welcome.

EDWIN A. FALK,
*Chairman, Special Committee on
the Federal Courts of the Association
of the Bar of the City of New
York.*

NEW YORK, May 17, 1954.

Mr. CASE. Mr. President, I take this opportunity to pay my hearty compliments to the senior Senator from Maryland for his work in sponsoring the constitutional amendment to which reference has been made in the letter which he has just read.

It so happened that during the first few months of my service in Congress, in January or February 1937, the so-called court-packing proposal was sent to the Congress. It was the great issue of that year. Both in the House and in the Senate it developed elaborate constitutional arguments, and was the subject of great debate. It was a major issue, which affected the political fortunes of many Members of Congress, as well as perhaps others in the country.

I recall very distinctly that the conscience of the country was greatly aroused by a proposal which it was thought would do violence to the Supreme Court. The effort was stopped at that time by a report which was submitted by the Senate Committee on the Judiciary. I believe the distinguished Senator O'Mahoney of Wyoming was chairman of the subcommittee which wrote the report. It concluded with a ringing declaration that the proposal should be rejected in such certain terms that no such proposal would ever again be presented to a free people. The death of the late distinguished Senator from Arkansas, Mr. Robinson, occurred

about that time, and the proposal got no further.

The proposal remained as a potential threat until the Senator from Maryland came forth with a proposed constitutional amendment to settle the issue once and for all. I compliment him on his diligence and earnestness in presenting that constitutional amendment, and congratulate him upon its passage by the Senate.

Mr. BUTLER of Maryland. I thank the Senator from South Dakota. I feel, as the Senator from South Dakota does, that the amendment is very important. It is an amendment which should have been adopted long ago. I am very happy to know that the Senator from South Dakota associates himself with my position.

Mr. FERGUSON. Mr. President, let me say to the Senator from Maryland that I hope the fact that some press notices state that there was haste in passing this amendment will not interfere with the action of the House and three-fourths of the States upon it. The subject has been debated for a long time, and has received much thought by the people. Therefore anything that is said about haste certainly should not interfere with the passage of the joint resolution in the House.

Mr. BUTLER of Maryland. Mr. President, I thank my distinguished friend. Many hours were spent upon the amendment as he says. Some of the best legal minds in America worked upon it. I am satisfied that, as the Senator from Michigan says, it is a good amendment and should pass the House of Representatives. I hope the House will consider it promptly, pass it, and submit it to the people of the States.

AMENDMENT OF HOME OWNERS' LOAN ACT OF 1933, AS AMENDED

Mr. FERGUSON. I move that the Senate proceed to consider Calendar No. 1190, Senate bill 975.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 975) to amend the Home Owners' Loan Act of 1933, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Michigan.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Banking and Currency, with amendments, on page 2, line 24, after the word "the", strike out "same" and insert "least onerous"; in the same line, after the word "restrictions", strike out "as" and insert "with respect", and in line 25, after the word "location", insert "as may be", so as to make the bill read:

Be it enacted, etc., That subsection (e) of section 5 of the Home Owners' Loan Act of 1933, as amended, is hereby amended by inserting "(1)" after "(e)" and by adding the following paragraph at the end thereof:

"(2) An association may retain or establish and operate a branch or branches under the following conditions:

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 26, 1954
For actions of May 25, 1954
83rd-2nd, No. 96

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HIGHLIGHTS: Senate subcommittee completed mark-up of agricultural appropriation bill. Senate passed Army civil appropriation bill. House committee reported O&C land bill. House committee voted to report surplus-fish bill. Sen. Humphrey criticized Secretary's dairy program.

SENATE

1. **AGRICULTURAL APPROPRIATION BILL, 1955.** The agricultural subcommittee of the Appropriations Committee completed its marking up of this bill, H. R. 8779, and voted to report the bill to the full Committee with amendments (p. D580).
2. **FLOOD-CONTROL APPROPRIATIONS.** Passed with amendments H. R. 8367, the Army civil functions appropriation bill. Senate conferees were appointed. (pp. 6671-9, 6683-90).
3. **DAIRY PRICE SUPPORTS.** Sen. Humphrey claimed the Secretary's dairy program has been a "failure" (pp. 6695-700).
4. **INTERGOVERNMENTAL RELATIONS.** Sen. Lennon was appointed to the Commission on Intergovernmental Relations, succeeding the late Sen. Hoey (p. 6658).
5. **PERSONNEL.** The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 7554, to provide compensation of certain employees when Government departments are closed by administrative order (p. D582).
6. **ALASKA STATEHOOD.** Sen. Malone inserted a petition from various people in Alaska requesting a referendum on statehood (pp. 6679-82).
7. **RECLAMATION.** H. R. 5731, to authorize reclamation work on the Santa Margarita River, Calif., was made the unfinished business (pp. 6691-2).
8. **RECESSED** until Thurs., May 27 (p. 6700).

HOUSE

9. FISHERY PRODUCTS. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) S. 2802, to earmark part of Sec. 32 funds for publicity, education, and research on fish and related products (p. D583).
10. FORESTRY. The Interior and Insular Affairs Committee reported with amendment H. R. 5958, relating to the administrative jurisdiction of certain O&C lands in Oreg. (H. Rept. 1677)(p. 6728).
11. LEGISLATIVE-JUDICIARY APPROPRIATION BILL, 1955. Passed with amendment this bill, H. R. 9203 (pp. 6705-18).
12. ELECTRIFICATION. The Interior and Insular Affairs Committee reported with amendment H. R. 8328, to authorize the transmission and disposition of electric energy generated at Falcon Dam on the Rio Grande (H. Rept. 1678)(p. 6728).
13. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment S. 1823, to allow credit in connection with certain homestead entries for military or naval service rendered during the Korean conflict (H. Rept. 1676)(p. 6728).

BILLS INTRODUCED

14. FORESTRY. S. 3509, by Sen. Watkins, to establish public use of the national forests as a policy of Congress; to Agriculture and Forestry Committee (p.6652).
15. FLOOD CONTROL. S. 3510, by Sen. Cordon, to provide for cooperation in financing and early development of the John Day project on the Columbia River; to Public Works Committee. Remarks of author. (pp. 6652-7.) Also H. R. 9307, by Rep. Coon; to Public Works Committee (p. 6729).
16. DAIRY INDUSTRY. H. R. 9267, by Rep. Laird, to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce, to stabilize prices of milk and dairy products, etc.; to Agriculture Committee (p. 6728).
17. ELECTRIFICATION. H. R. 9326, by Rep. Wolverton, to amend the Federal Power Act to provide that charges shall be paid by Federal power projects which are benefited by stream improvements constructed by other parties; to Interstate and Foreign Commerce Committee (p. 6730).

COMMITTEE HEARINGS RELEASED BY GPO

18. WOOL PRICE SUPPORTS, H. R. 7775. H. Agriculture Committee.

ITEMS IN APPENDIX

19. FORESTRY. Extension of remarks of Rep. Netcalf claiming that opposition to H. R. 6787, to protect interests of livestock producers in connection with Forest Service grazing lands, is growing and including some of the objections to the bill in a statement by the Emergency Committee on National Resources (pp. A3868-9).
20. TEXTILES. Extension of remarks of Rep. Howell discussing "the recession in the textile industry" and including a newspaper editorial, "Dying Textiles?" (pp. A3870-1).

RELATING TO THE ADMINISTRATIVE JURISDICTION OF
CERTAIN PUBLIC LANDS IN THE STATE OF OREGON

MAY 25, 1954.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and Insular
Affairs, submitted the following

R E P O R T

[To accompany H. R. 5958]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 5958) relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes, having considered the same, reports favorably thereon with amendment and recommends that the bill do pass.

The amendments are as follows:

Page 1, line 3, insert subparagraph designation (a) following the word "That".

Page 2, line 4, after "March 2, 1907," insert "are hereby declared to be revested Oregon and California railroad grant lands; and said lands".

Page 2, line 13, strike the citation "(50 Stat. 874)" and insert in lieu thereof "(50 Stat. 874) as hereby amended,".

Page 2, following line 21, add the following new paragraph:

(b) Subsection (a) of title II of the Act approved August 28, 1937 (50 Stat. 874) is hereby amended by adding at the end thereof the following proviso: "*Provided, however, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.*"

Page 2, line 23, strike the words "one year" and insert in lieu thereof "two years".

Page 3, line 3, following the word "forest" insert the words "or within two miles of such boundaries,".

Page 3, strike all of line 16 and insert in lieu thereof the word "forests".

Page 3, line 18, strike the word "forest" and insert in lieu thereof the word "forests".

Page 3 line 22, change the period to a comma and add the words "unless otherwise agreed to by the counties concerned."

EXPLANATION OF THE BILL

The Committee on Interior and Insular Affairs unanimously recommends the enactment of H. R. 5958 as amended. Senate Report 1314 on companion bill S. 2225 is set forth below in its entirety and, read in conjunction with the detailed reports of the Departments of Agriculture and Interior which are reproduced therein, explains the need for the proposed legislation.

Measures to accomplish the purposes of S. 2225 have been before successive Congresses since 1941. Exhaustive hearings were held in 1943 and the legislation has been three times previously favorably reported and twice passed by the Senate. On two occasions the Senate measure was favorably reported from the House committee. On one other occasion a similar House bill was reported from the House committee.

The lands affected by this proposed legislation are a part of an early railroad grant in the State of Oregon. The Government recaptured title to the grant lands by the act of June 9, 1916, due to violation by the grantee railroad company of certain terms of the grant. The recapture act provided for revestment of all the unsold portion of the grant "for which patents have been issued by the United States or for which the grantee is entitled to receive patents under the grant."

The lands herein concerned are of the latter class; their status was determined in the case of the *U. S. v. O. & C. R. R. Company et al.* (8 F. (2d) 645) (1925). This rule of law was approved in the case of *Chapman v. Santa Fe Pac. R. Co.* (198 F. (2d) 498) (1951) (certiorari denied by the Supreme Court June 2, 1952). The status of these lands was again adjudicated by the United States Court of Appeals for the District of Columbia on April 30, 1954 (No. 11844).

The 1916 act provided for administration of the revested lands by the Department of the Interior, for getting the lands into private ownership, for reimbursement of the counties for their tax loss, and for distribution of future receipts.

On August 28, 1937, the Congress enacted a statute providing for a different disposition of receipts and administration of the lands in the interest of conservation. Thereafter a question arose as to the status of the unpatented portion of the revested grant; namely, was the Department of Agriculture to administer these lands under national forest laws, or was the Department of the Interior to administer them under the 1916 act, as amended?

The bill, as amended, provides for continued administration of the lands by the Department of Agriculture with accounting of funds heretofore or hereafter received to be the same as for other O. and C. land receipts.

The bill carries another and most important provision for eliminating jurisdictional problems in the area by consolidation of the checkerboard administrative areas of the two departments through exchanges. This consolidation is for the purpose of better sustained yield timber management of both classes of lands.

REPORTS OF EXECUTIVE AGENCIES

The reports of the interested departments, which contain an exhaustive historical summary of the lands, indicate no objection to the bill and especially strong approval of its provisions to expedite sustained-yield administration.

Orderly administration of the affected public lands will be advanced by the early enactment of this legislation.

DEPARTMENT OF AGRICULTURE,
Washington, March 12, 1954.

Hon. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs,
United States Senate.

DEAR SENATOR BUTLER: This is in reply to your request of June 30 for a report on S. 2225, a bill relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes. S. 2225 is identical to H. R. 5958 by Mr. Ellsworth.

Sections 1 and 3 of these bills concern 462,000 acres of so-called controverted forest land located in southwestern Oregon. This area is comprised of unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon & California Railroad land grant authorized by the act of July 25, 1866 (14 Stat. 239), as amended, and within the boundaries of subsequently established national forests. Since 1939, the Department of Interior has questioned the national forest status of these lands. At stake is not only whether the Secretary of Agriculture or the Secretary of Interior should administer these lands but also whether the counties should receive 25 percent (if national forests) or 75 percent (if Oregon and California revested lands) of gross receipts from the lands. S. 2225 is a proposed settlement of the controversy.

In addition to the controverted lands, there are about 450,000 acres of non-controverted O. and C. land occurring in alternate sections within the national forests of southwestern Oregon. Section 3 of S. 2225 provides for an exchange of national forest and O. and C. land, the net result of which would be to eliminate the present checkerboard pattern of administrative jurisdiction and thus lessen duplication and increase efficiency.

Section 1 provides: (1) The lands in question shall continue to be administered as national forests by the Secretary of Agriculture; (2) they shall be subject to all laws, rules, and regulations applicable to the national forests, provided that all revenues, including those heretofore derived and placed in a special deposit account, shall be distributed in accordance with the act of August 28, 1937 (50 Stat. 874). That act provides that 75 percent of such receipts shall be distributed to specified counties; (3) revenues from the lands already distributed shall not be affected; and (4) neither the lands in question nor their resources shall be subject to forest exchange laws otherwise applicable.

Section 2 directs the Secretary of the Interior and Secretary of Agriculture within 1 year after enactment to exchange administrative jurisdiction of revested O. and C. or reconveyed Coos Bay Wagon Road grant lands within national forest boundaries, and national forest lands of approximately equal value when such action will facilitate administration. It provides that national forest land so exchanged shall be excluded from the national forest and shall thereafter be administered in accordance with the laws applicable to O. and C. lands, while O. and C. grant land transferred to the Secretary of Agriculture shall be administered in accordance with the laws applicable to national forests and shall become a part of the national forest within the boundaries of which the land is located. Section 2 also provides that, subject to the requirement of approximate equal aggregate value for the overall exchange, exchanges within each county shall include approximately equal areas of each class of land.

Section 3 authorizes the Secretary of Agriculture, in order to consolidate and thereby facilitate administration and accounting, to designate within each county an acreage of national forest land substantially equal in value to the national forest acreage in the same county whose receipts are to be disposed of in accordance with the 75 percent formula as provided in section 1. Upon such designation, the 75 percent receipts formula shall be applicable to the land so designated in lieu of the lands in that county described in section 1 of S. 2225, provided that such designation shall become effective only when approved by the county court of the county in which the lands are located.

The Oregon and California grant lands are a unique situation brought about by the revesting of railroad grant lands by the United States. Normally these grant lands would have been sold by the grantee railroad company thereby being developed for advancement of the local economy and to serve as part of the local tax base. Special consideration was given by the Congress to this matter, and it was decided that the counties should receive the distribution of receipts provided in title II of the act of August 28, 1937. If the law had been understood and applied at the time the controverted lands were added to the national forests as it has since been enunciated by the Supreme Court, it appears that these lands would not have been added to the national forests. Thus the problem with respect to payments to the counties from the controverted lands involves factors which are not present in consideration of the overall problem of payments to local governments because of Federal ownership of land.

The distribution of receipts from public lands to the States and counties has always been a matter for determination by the Congress and with respect to which this Department has carefully refrained from pressing its views. Therefore, in expressing approval of the pending bill, it should be understood that no opinion of either approval or disapproval is expressed with respect to the formula for distribution of receipts.

Since 1942 numerous bills have been introduced in the Congress to clarify this problem. Hearings were held on S. 275 and H. R. 1688 of the 78th Congress and H. R. 6662 of the 82d Congress. The reports on these bills and hearings offer a complete record of the facts and viewpoints of this Department that the controverted lands do have national forest status. However, no legislation has been enacted.

This Department believes that settlement of the controversy is long overdue. It is anxious that the funds now held in escrow be released to the counties. It believes the continued administration of the controverted lands as national forest lands as provided in S. 2225 is of paramount importance. It also believes the exchange provisions of the bill which would eliminate the intermingled pattern of national forest and O. and C. administration of alternate sections of timberland is a step in the right direction toward the ultimate solution of a problem which the Hoover Commission referred to as a source of "public confusion, unnecessarily duplicating services, and unsound management."

Until the work gets underway it is not entirely clear what problems may be encountered in implementing the exchange directives of section 2. Therefore it is suggested that the 1-year time limit specified for that section be extended to 2 years, although this Department would make every effort to expedite the exchange as rapidly as possible. Such amendment could be accomplished by substituting "two" for "one" in line 23, page 2.

Taking into consideration the facts of the situation, the legislative history with respect to these lands, and the applicable law, the Department recommends that S. 2225 be enacted.

The Bureau of the Budget advises that from the standpoint of the program of the President there is no objection to the submission of this report.

Sincerely yours,

E. T. BENSON, *Secretary.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 15, 1954.

Hon. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR SENATOR BUTLER: This is in reply to the request of your committee for a report on S. 2225, a bill relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

I have no objection to the enactment of this bill.

S. 2225 is an attempt to resolve a jurisdictional controversy, concerning the administration of a portion of the revested Oregon & California Railroad grant lands in Oregon, which has been in issue between this Department and the Department of Agriculture for too long a time.

The controverted lands in issue are unpatented indemnity lands which, at the time of their revestment in the United States, were of the class referred to in the Revestment Act of June 9, 1916 (39 Stat. 218), as lands to which the railroad company was entitled to receive patent. The 1916 act also provided for administration of all the revested lands, with certain specific exceptions, by the Interior Department, for getting the lands into private ownership, and for reimbursement to the counties for their tax loss. Unfortunately, by Executive orders issued prior to the Revestment Act of 1916, the portion of the revested lands, which is now in controversy, totaling in excess of 462,000 acres, had been improperly placed within the boundaries of existing national forests administered by the Forest Service despite the fact that the Congress had previously appropriated the same lands to another purpose.

Subsequently, under the O. and C. Sustained-Yield Timber Act of August 28, 1937 (50 Stat. 874), Congress imposed upon this Department the duty to administer the O. and C. lands for conservation rather than disposal, and prescribed a new policy of timber management which would insure a perpetual timber yield. After the adoption of this act the dual claims to jurisdiction over the controverted lands began to present an acute problem, the issue being whether the lands were to be administered by this Department under the 1937 act, or by the Department of Agriculture under national forest laws. The differences of viewpoint of the two Departments based upon their divergent interpretations of the effect of the O. and C. statutes, and of the prior Executive orders, could not be amicably reconciled, despite many efforts in that direction.

These matters received legislative attention in several previous Congresses: S. 275 and H. R. 1688, 78th Congress, S. 723 and H. R. 2953, 79th Congress; S. 580, 80th Congress; S. 148, 81st Congress; S. 539 and H. R. 6662, 82d Congress. Complete reports were presented to the respective Public Lands Committees of the 78th, 79th, and 82d Congresses by the Department of Agriculture as well as this Department and full hearings were held.

S. 2225 provides for the distribution of proceeds from the controverted lands under the terms of the act of August 28, 1937. That act had its genesis in this Department which has historically approved of the basis for distribution provided therein. In view of the long history of congressional enactment with respect to these lands, I feel that the matter of basic law, in this field has become one solely of congressional policy. This report will, therefore, omit any expression of departmental views on this subject. The jurisdictional problem would be settled by providing for the administration of the controverted lands by the Department of Agriculture.

S. 2225 contains a recognition of the fact that this is only a partial solution of the total problem of sound resource management of the Federal forest lands in this area. Section 2 of the bill directs the two Secretaries within 1 year after its enactment to exchange administrative jurisdiction of national forest lands for revested Oregon and California railroad grant lands or reconveyed Coos Bay wagon roads grant lands within the boundaries of any national forest, on an equal aggregate value basis, when such exchange would facilitate the administration of the lands. In view of this unequivocal congressional mandate, I know that the two Departments will move forward promptly and vigorously to fulfill the requirements of the act.

It is this provision for a mandatory exchange which prompts me to make no objection to the enactment of S. 2225. The exchange requirement would affect about one-half million acres of O. and C. lands which, although inside national forest boundaries, are unquestionably under the jurisdiction of this Department. There is no jurisdictional controversy as to the latter area, because the lands were patented to the railroad. These lands are intermingled, in a checkerboard pattern, with national forest lands. I believe that exchanges will solve the problem of dual administration of the about 1 million acres of intermingled forest lands in the O. and C. areas.

There is an appeal now pending in a suit against the Secretary of the Interior and Secretary of Agriculture in the Court of Appeals for the District of Columbia Circuit taken by Clackamas County, to determine the jurisdiction of the controverted lands. The District Court of the District of Columbia on May 20, 1953, dismissed the complaint filed by the county. The Acting Assistant Attorney General on February 25, 1953, filed a motion to dismiss the suit on the grounds that the complaint failed to state a claim upon which relief can be granted, that the United States was an indispensable party defendant, and that the Federal Government had not given its consent to be sued. Even if the district court should be reversed and ordered to decide the case on its merits and determine the jurisdiction of the controverted lands, this legislation would still be urgently needed. Only legislation can provide for the important feature in section 2 of S. 2225 which directs the two agencies involved to make exchanges for the purpose of blocking up areas under their respective jurisdictions. Litigation in the Federal district court and through the appellate courts, moreover, would undoubtedly take several years and might very well leave the issue unsettled due to an ultimate decision on technical grounds. Legislative action by Congress, on the other hand, could greatly expedite the settlement of the issues involved and at the same time provide more adequately for the administration of the lands in western Oregon under Federal jurisdiction.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET,

Washington, D. C., March 8, 1954.

HON. HUGH BUTLER,

*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Bureau on S. 2225, relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

This bill is designed to clarify the status of some 462,000 acres of unselected and unpatented forest lands lying in 700 alternate sections in 9 counties within the indemnity limits of the revested Oregon & California Railroad land grant in the State of Oregon. These lands, known as the controverted O. and C. lands, lie well within the boundaries of national forests. Since 1939, when the question was raised by the Department of the Interior, a controversy has existed as to whether the Department of the Interior or the Department of Agriculture should have jurisdiction over these tracts. This jurisdictional uncertainty plagues both the Federal Government and the counties. Because of the significant differences between the receipts distribution formula applied by the United States Forest Service to national forest revenues and the formula applied by the Bureau of Land Management to distribution of receipts from the regular O. and C. revested lands, revenues from the controverted lands have been impounded since 1942. With respect to the controverted lands, the bill provides for continued administration by the Department of Agriculture as a part of the national forest system, but stipulates that all future revenues—along with past revenues accumulated in a special fund—shall be distributed according to the provisions of title II of the act approved August 28, 1937 (50 Stat. 874)—i. e., under the current O. and C. formula.

The bill also authorizes, by a redesignation of administrative jurisdiction, the blocking up of the 450,000 acres of regular O. and C. lands and intermingled national forest lands, within national forest boundaries.

There is no question but that Congress has complete discretion to resolve as it sees fit the dual policy question of administrative jurisdiction and the formula under which receipts will be distributed. This is in accord with the decision of the Supreme Court in the cases on these lands. Congressional action is, in fact a necessity, if the several problems posed are ever to be satisfactorily settled.

In proposing to distribute the future receipts from the controverted lands (this applies equally to accumulated funds in the special account) under title II of the 1937 act, the bill presumably confers on all 18 of the O. and C. counties a share of receipts from timber harvested from controverted lands which lie in only 9 counties. This situation arises because under title II the counties' share of receipts are payable "* * * to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year * * *," and further, because at that time the unpatented or controverted lands were excluded from such an assessment base by virtue of never having been on the tax rolls.

Clackamas, Curry, Josephine, Klamath, and Lane Counties contain relatively large amounts of controverted acreage in proportion to their regular O. and C. acreage, but they would not receive their full share of the revenues from their respective controverted acreage. Coos, Douglas, Jackson, and Linn Counties contain lesser proportions of controverted acreage, but under the operation of title II would receive an excess share of revenue from the controverted tracts. Nine other counties, containing no controverted acreage, would also receive revenue from controverted lands. For this reason it is recommended that the committee consider the insertion of a provision for distribution of receipts from the controverted lands, both accumulated and future, in a manner which will be consistent with the original intent of the 1937 law.

A possible solution would be to extend to the controverted lands, within the nine counties containing such lands, the county's average per acre assessment against regular O. and C. lands as of 1915, and then recompute new ratios of distribution to each county, taking into account the revised county share of the new grand total.

The Bureau of the Budget, in the interest of increased efficiency and the elimination of costly overlapping, would favor any measure which would bring about an improvement in the overlapping jurisdictional pattern which currently exists between the Bureau of Land Management and the Forest Service.

Section 2 of this bill would authorize blocking up of O. and C. and national forest lands by exchanges of administrative jurisdiction between the two Departments where regular O. and C. lands are intermingled with national forest lands within national forest boundaries.

Section 3 permits the Secretary of Agriculture to use the device of administrative designation for the purpose of consolidating national forest and controverted lands into convenient units for ease of management and bookkeeping and to facilitate making receipts distribution to the counties under two different formulas.

Some limitations are imposed upon the Secretaries' discretion in perfecting such exchanges and designations. Section 2 authorizes exchanges of administrative jurisdiction only within existing national forest boundaries. It does not authorize alteration of existing national forest boundaries. Thus it precludes logical opportunities for exchanges of administrative jurisdiction between national forest and O. and C. lands where the latter are contiguous to but lie outside of the national forest boundary.

The committee may wish to consider authorizing adjustments in the national forest boundaries in order to permit the blocking up of additional public timberlands by the maximum possible exchange of administrative jurisdiction.

Within the national forests, under section 3, the bill would permit the creation of from 6 to 9 separate "designated" jurisdictions, in order to meet the provision which stipulates that the amounts of national forest and controverted lands blocked up shall, within each of 9 counties, be of substantially equal value. Further, the designation process authorized in section 3 is subject to an indefinite approval procedure by the county court wherein the lands are located. It is recommended that the committee consider amending section 3 of the bill as follows: Beginning on page 4, line 16, by striking out the entire sentence following the word "however," and inserting "That such designation shall become effective 90 days after its publication in the Federal Register, unless the county court of the county in which such lands are located shall within such time specifically disapprove such designation."

Section 2 also requires that the land exchange provisions of the bill be carried out within 1 year after enactment. It is recommended that at least 2 years' time be provided for this purpose.

The equal value and acreage provisions of the bill, designed to protect the counties against any exchange or designation adverse to their interest imposes the burden of evaluation and survey upon both the Forest Service and the Bureau of Land Management. The two agencies have estimated that it will probably cost a total of about \$100,000 to perform the requisite work. Inasmuch as the appraisal costs are necessitated primarily because of the need for meeting the equal value and acreage concern of the counties, some consideration should be given to how best to defray such costs. In the act of May 24, 1939, pertaining to the Coos Bay Wagon Road grant lands in Oregon, section 2 recognizes the principle that appraisal costs should be taken out of the counties' share of the receipts from the lands being appraised. The specific language employed in this act is: "The expense of making the appraisements provided for in this Act shall be paid by the Secretary of the Treasury upon certification by the Secretary of the Interior, from that portion of receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties." In the case of the controverted O. and C. lands, it would not be necessary to deduct the total cost of appraisals from the counties' share of future receipts, because the amount currently held in the special account (some \$7.5 million) is more than adequate. The cost of appraisals needed in connection with the exchanges of administrative jurisdiction authorized under section 2 could be met under the above stated Coos Bay Wagon Road method, if the committee so desires.

In summation, this Bureau is of the view that legislation simplifying the jurisdictional pattern for public timber lands in Oregon and establishing a formula for the distribution of receipts from the controverted O. and C. lands is necessary and desirable. In connection with its review of S. 2225 the committee may wish to consider one or more of the following suggested modifications, discussed more fully above:

1. A provision which would add the controverted O. and C. lands to the grand total and to the respective county totals in making the computation of revenue shares authorized under title II of the 1937 act.

2. A provision authorizing adjustments in national forest boundaries, in order to permit maximum blocking up of national forest and O. and C. lands.

3. A provision making the designations authorized in section 3 automatically effective 90 days after publication in the Federal Register, unless specifically disapproved by the concerned county court.

4. An extension from 1 to 2 years of the time limit for carrying out the exchanges of administrative jurisdiction.

5. A provision authorizing the deduction of appraisal costs incurred during the blocking up process from the counties' share of receipts.

Subject to your consideration of the foregoing suggestions, you are advised that there would be no objection to enactment of S. 2225.

Sincerely yours,

Jos. M. Dodge, *Director.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE II OF THE ACT OF AUGUST 28, 1937 (50 STAT. 874)

TITLE II

That on and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.*



83^d CONGRESS
2^d SESSION

H. R. 5958

[Report No. 1677]

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1953

Mr. ELLSWORTH introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

MAY 25, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) those unselected and unpatented odd-numbered
4 sections within the indemnity limits of the Oregon and
5 California railroad land grant authorized by the Act of July
6 25, 1866 (14 Stat. 239), as amended by the Act of April
7 10, 1869 (16 Stat. 47), and for which payment was made
8 by the United States to such railroad or its successors in
9 interest under the Act of June 9, 1916 (39 Stat. 218),
10 pursuant to the decree in the case of United States against

1 Oregon and California R. R. Co. (8 F. (2d) 645), which
2 were included within the boundaries of national forests by
3 proclamations of the President of the United States issued
4 under the dates of June 17, 1892, September 28, 1893,
5 October 5, 1906, January 25, 1907, March 1, 1907, and
6 March 2, 1907, *are hereby declared to be revested Oregon*
7 *and California railroad grant lands; and said lands shall*
8 *continue to be administered as national-forest lands by the*
9 *Secretary of Agriculture subject to all laws, rules, and regu-*
10 *lations applicable to the national forests: Provided, That all*
11 *revenues hereafter derived from said lands and those revenues*
12 *heretofore derived from such lands and placed in special*
13 *deposit by agreement between the Secretary of Agriculture*
14 *and the Secretary of the Interior shall be disposed of in*
15 *accordance with the provisions of title II of the Act approved*
16 *August 28, 1937 (50 Stat. 874), as hereby amended, and*
17 *said lands shall not hereafter be subject to the provisions of*
18 *any other laws or parts of laws which otherwise prescribe*
19 *the disposal or distribution of receipts from lands of the*
20 *United States, except that none of the provisions of this Act*
21 *shall affect revenues heretofore distributed. No part of said*
22 *lands or the resources thereof shall be subject to exchange*
23 *under the provisions of this or any other law applicable to*
24 *national-forest lands or otherwise.*

25 (b) Subsection (a) of title II of the Act approved Au-

1 *gust 28, 1937 (50 Stat. 874), is hereby amended by adding*
2 *at the end thereof the following proviso: "Provided, however,*
3 *That for the purposes of this subsection the portion of the said*
4 *revested Oregon and California railroad grant lands in each*
5 *of said counties which was not assessed for the year 1915*
6 *shall be deemed to have been assessed at the average assessed*
7 *value of the grant lands in said county."*

8 SEC. 2. The Secretary of the Interior and the Secretary
9 of Agriculture are authorized and directed, within ~~one year~~
10 *two years* after the enactment of this Act, to exchange admin-
11 istrative jurisdiction of revested Oregon and California rail-
12 road grant lands or reconveyed Coos Bay Wagon Road grant
13 lands lying within the boundaries of any national forest, *or*
14 *within two miles of such boundaries*, and national-forest lands
15 of approximately equal aggregate value, when by such ex-
16 change the administration of the lands will be facilitated.
17 Such exchanges shall be made subject to outstanding con-
18 tracts, permits, or other existing rights: *Provided*, That the
19 said national-forest lands, administrative jurisdiction of which
20 is transferred to the Secretary of the Interior, shall be ex-
21 cluded from the national forest and shall become subject to
22 administration under the same provisions of law as the re-
23 vested or reconveyed lands in exchange for which they were
24 transferred, and the revested or reconveyed lands, adminis-
25 trative jurisdiction of which is transferred to the Secretary of

1 Agriculture, shall become a part of the national ~~forest~~ *within*
2 ~~the boundaries of which they are situated and forests~~ subject
3 to administration under the laws applicable to such national
4 ~~forest forests~~: *Provided further*, That subject to the require-
5 ment of approximate equal aggregate value for the over-
6 all exchange, the revested or reconveyed lands and the na-
7 tional-forest lands, administrative jurisdiction of which is ex-
8 changed in any county, shall be approximately equal in area,
9 *unless otherwise agreed to by the counties concerned*. The
10 exchanges provided for herein shall in each case be evidenced
11 by an order signed by the Secretary of the Interior and the
12 Secretary of Agriculture and such orders shall be transmitted
13 to the Division of the Federal Register for filing and pub-
14 lication.

15 SEC. 3. For the purpose of consolidating and thereby
16 facilitating administration and accounting the Secretary of
17 Agriculture is authorized to designate in the several counties
18 in which the lands described in section 1 of this Act are
19 situated (such designation to be published in the Federal
20 Register), an area of national-forest land of a value substan-
21 tially equal to the value of the lands in such county from
22 which all revenues shall be disposed of in accordance with
23 the provisions of title II of the Act of August 28, 1937
24 (50 Stat. 874), and upon such designation the provisions
25 of that Act shall be applicable to the lands so designated

1 in lieu of the lands described in section 1 of this Act: *Pro-*
2 *vided, however,* That such designation shall not become
3 effective until approved by the county court of the county
4 in which the lands are located.

5 SEC. 4. For the purpose of carrying out the provisions
6 of sections 2 and 3 of this Act there are hereby authorized
7 to be appropriated such sums as the Congress may from
8 time to time determine to be necessary.

83^d CONGRESS
2^d Session
H. R. 5958

[Report No. 1677]

A BILL

Relating to the administrative jurisdiction of
certain public lands in the State of Oregon,
and for other purposes.

By Mr. ELLSWORTH

JUNE 26, 1953
Referred to the Committee on Interior and Insular
Affairs

MAY 25, 1954

Reported with amendments, committed to the Com-
mittee of the Whole House on the State of the
Union, and ordered to be printed

June 1, 1955

out of the disaster loan revolving fund, in any area where the Secretary finds need for agricultural credit which could not otherwise be met, until June 30, 1955 (p. 7327). The Senate has passed S. 3245 on the same subject, but the language is somewhat different.

12. TOBACCO QUOTAS. Passed with amendment S. 3050, to increase (from 40% to 50% of the average market price) the penalty for marketing of tobacco in excess of marketing quotas. Agreed to an amendment by Rep. Deane to make the bill effective Dec. 1 instead of Oct. 1. (p. 7331.)
13. LABOR-HEW APPROPRIATION BILL, 1955. The Appropriations Committee reported this bill, H. R. 9047, without amendment on June 4, while the House was in adjournment (p. 7370).
14. INDEPENDENT OFFICES APPROPRIATION BILL, 1955. House conferees were appointed on this bill, H. R. 8583 (p. 7320). Senate conferees have been appointed.
15. PERSONNEL. Received the Post Office and Civil Service Committee's reports on appeals and grievance procedures in the Federal Government (H. Rept. 1759) and the first intermediate report by the Subcommittee on Manpower Utilization (H. Rept. 1760) (p. 7370).
Rep. Moss spoke in favor of a payraise for Federal classified employees "at least equal to the 7 percent raise granted Post Office Department employees in the bill already reported out by the House Post Office and Civil Service Committee" (p. 7343).
16. VETERANS' BENEFITS. Passed without amendment S. 1823, to give to veterans of the Korean conflict the same credit for military service toward meeting the requirements of the homestead laws as is now given to veterans of World War II (pp. 7328-9). This bill will now be sent to the President.
17. FORESTRY. Rep. Ellsworth, and others, discussed H. R. 5958, to settle the jurisdictional question between this Department and the Interior Department over "controverted" Oregon and California timberlands, and at the request of Rep. Miller (Nebr.) it was stricken from the Consent Calendar. Rep. Miller indicated that the bill would be referred to the Rules Committee. (p. 7329).
Passed as reported S. 1399, to authorize sale of certain improvements on national forest land in Arizona to the Salt River Valley Water Users Association (pp. 7330-1).
18. LAND TRANSFER. Passed without amendment H. J. Res. 458, to direct the Secretary of Agriculture to quitclaim retained rights in a tract of land to the Board of Education of Irwin County, Ga. (p. 7331).
19. BANKING AND CURRENCY. Rep. Patman claimed the Federal Reserve Board should be required to support Government bonds at par. (pp. 7348-65).
20. ELECTRIFICATION. Passed with amendment S. 3090, to authorize the transmission and disposition by the Secretary of the Interior of electric energy generated at Falcon Dam on the Rio Grande with provision for preference to REA cooperatives and others (pp. 7329-30).
21. EDUCATION. Rep. Brown (Ga.) spoke on the importance of the vocational educational program, and favored appropriation of the full amount authorized by the George-Barden Act for this purpose (pp. 7344-5).

22. HOUSING LOANS. Rep. Fisher objected to a conference on H. R. 7839, which includes a provision continuing the rural-housing loan program (p. 7340).
23. SOCIAL SECURITY. Rep. Reed (N.Y.) inserted a comparative analysis of present law and the changes proposed thereto by H. R. 7199 and H. R. 9366, to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program to other groups, including self-employed farmers and additional farm workers, etc. (pp. 7311-8).

ITEMS IN APPENDIX

24. DAIRY INDUSTRY. Rep. Springer inserted a Department summary of dairy price support purchases and uses in May 1954 (p. A4196).
Rep. Harden inserted a Country Gentleman article discussing the dairy industry problem and stating that "There are two ways to get out of it--produce less or sell more milk" (p. A4198).
25. SOIL CONSERVATION. Sen. Johnson, Tex., inserted an article briefly outlining the work during the last 14 years of the first soil conservation district established in Tex. (pp. A4202-3).
26. FORESTRY. Rep. Ellsworth inserted an American Forests magazine article explaining "why full crop development based upon full crop utilization has become the guide-post in Douglas-fir region forestry" (pp. A4213-5).
27. SOCIAL SECURITY. Speech of Rep. Vursell stating, "I am concerned and doubt the wisdom of the inclusion of self-employed farmers under social security" (p. A4216).
28. ELECTRIFICATION. Sen. Butler, Nebr., inserted his statement commending the progress made by REA under the present administration (pp. A4217-8).

BILLS INTRODUCED

29. ANIMAL FOOD. H.R. 9448, by Rep. Bailey, to amend the act of May 29, 1884, as amended, the act of Feb. 2, 1903, as amended, the act of Mar. 3, 1905, as amended, and the first proviso under the heading "General expenses, Bureau of Animal Industry" in the act of June 30, 1914, as amended, to include all domestic animals within their provisions; to Agriculture Committee (p. 7370).
30. DAIRY INDUSTRY. H.R. 9450, by Rep. Bow, to provide an adequate, balanced, and orderly flow of milk and dairy products in interstate and foreign commerce, to stabilize prices of milk and dairy products, to impose a stabilization fee on the marketing of milk and butterfat; to Agriculture Committee (p. 7370).
31. FARM LANDS. H.R. 9454, by Rep. Harrison, Wyo., to amend section 4 of the act of Aug. 13, 1953, relating to the exchange of farm units on Federal irrigation projects; to Interior and Insular Affairs Committee (p. 7370).
32. WATER RESOURCES. H.R. 9459, by Rep. Miller, Nebr., to authorize the Sec. of the Interior to investigate and report to the Congress on the conservation, development, and utilization of the water resources of Alaska; to Interior and Insular Affairs Committee (p. 7370).

Be it enacted, etc., That (a) in the first sentence of the first section of the act of September 27, 1944, as amended (43 U. S. C. 279-284), is amended to read as follows: "That any person who has served in the military or naval forces of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged from the military or naval forces and who makes homestead entry subsequent to such discharge shall have the period of such service, not exceeding 2 years, construed to be equivalent to residence and cultivation upon the land for the same length of time."

(b) The proviso at the end of the first section of such act is amended to read as follows: "Provided, That such compliance shall include bona fide cultivation of at least one-eighth of the area entered under the homestead laws: *Provided further,* That no person who has served in the military or naval forces of the United States for a period of at least 90 days at any time on or after September 16, 1940, and prior to the termination of the Korean conflict as determined by Presidential proclamation or concurrent resolution of the Congress, and is honorably discharged shall be disqualified from making homestead entry or from any other benefits of this act merely by reason of not having reached the age of 21 years."

(c) Section 4 of such act is amended by striking out "10 years" and inserting in lieu thereof "15 years."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADMINISTRATIVE JURISDICTION OF CERTAIN PUBLIC LANDS IN OREGON

The Clerk called the bill (H. R. 5958) relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUNNINGHAM. Reserving the right to object, Mr. Speaker, and I do not intend to object, but I would like to ask the chairman of the committee or the author of the bill, the gentleman from Oregon [Mr. ELLSWORTH], to explain it.

Mr. ELLSWORTH. Mr. Speaker, this bill involves only some federally-owned lands in the State of Oregon. The purpose of the bill, and it is agreed to by both departments concerned, is to settle a dispute between the Department of Agriculture, Forest Service, and the Department of the Interior, Bureau of Land Management, concerning the administrative jurisdiction over some 470,000 acres of land in the State of Oregon which are a part of a revested railroad land grant.

This dispute has been going on now for nearly 12 years. The management of the area concerned has been injured as a result of this dispute. Proper forestry on this land cannot go forward until it is determined by the Congress which agency shall have jurisdiction over these lands.

Mr. CUNNINGHAM. May I ask the gentleman what in his opinion will be the cost of the administration of this

bill, provided it is enacted? I notice there are some 462,000 acres, and that the bill authorizes appropriations of such sums of money as may be needed to carry out the purposes of the act. I appreciate that it might be a small amount or it might run into quite an amount of money. Could the gentleman give us any idea of what it would cost?

Mr. ELLSWORTH. Actually, I doubt that there would be any additional cost to the Federal Government as a result of this legislation. The purpose of that authorization section is essentially to make it legally possible for the Forest Service and the Bureau of Land Management to expend some funds appropriated to them for their general operating purposes, to be used to work out this exchange arrangement. The additional cost will be probably nothing, because both departments have inventories of the property, and it is a relatively simple matter.

Mr. CUNNINGHAM. It will require the employment of no additional help, other than they now have?

Mr. ELLSWORTH. I would not think so.

Mr. CUNNINGHAM. I withdraw my reservation of objection, Mr. Speaker.

Mr. WICKERSHAM. Mr. Speaker, reserving the right to object, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. ELLSWORTH. Reserving the right to object, Mr. Speaker, if the gentleman from Oklahoma has any question regarding the bill and would be willing, if questions were answered to his satisfaction, to let the bill pass, I would appreciate it.

Mr. WICKERSHAM. I am doing this on behalf of two colleagues, and I insist on the request.

Mr. MILLER of Nebraska. I wonder if the gentleman would permit the bill to be taken off the calendar and have a rule granted. I think it is of enough importance to have some action immediately.

I ask unanimous consent, Mr. Speaker, that the bill be taken from the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska, that the bill be stricken from the Consent Calendar?

There was no objection.

AUTHORIZING TRANSMISSION AND DISPOSITION OF ELECTRIC ENERGY GENERATED AT FALCON DAM ON THE RIO GRANDE

The Clerk called the bill (H. R. 8328) to authorize the transmission and disposition by the Secretary of the Interior of electric energy generated at Falcon Dam on the Rio Grande.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Reserving the right to object, Mr. Speaker, this bill would authorize the Secretary to transmit this electric energy. I have no objection to it, but I was wondering if

the chairman could advise us as to what is happening to this electricity that is being generated today.

Mr. MILLER of Nebraska. This bill is a legislative bill. The gentleman from Texas [Mr. BENTSEN] is familiar with all the details. I yield to him.

Mr. BENTSEN. Mr. Speaker, we have had this bill before Congress for about 2 years. The dam has been constructed and in the meantime the Congress has failed to act. Pending the legislation they are not able to sell the power. It simply means the Government is losing quite a sum of money every month until we give them authorization.

Mr. BYRNES of Wisconsin. You mean that even though all the generating facilities are there, they are not using them because they cannot sell the electricity that might be produced?

Mr. BENTSEN. They have been waiting for some time for the Congress to act, and we have unanimously passed it out of the committee.

Mr. BYRNES of Wisconsin. Mr. Speaker, I withdraw my objection.

Mr. McCORMACK. Mr. Speaker, reserving the right to object, I would like to inquire of the author of the bill, or of a member of the committee, if this bill in any way changes or is in conflict with our present power policy.

Mr. BENTSEN. Mr. Speaker, it is not in any way in conflict with the present power policy; in fact, the committee felt that the language of the 1944 Flood Control Act has been construed as broad enough to include the preference groups. The committee has specifically incorporated the language of the 1939 Reclamation Act to insure that there will be no departure from existing Federal law in the marketing of the Falcon power or energy to preference customers.

Mr. McCORMACK. I noticed that. I congratulate the committee for specifically putting that in the bill. But outside of municipalities and public corporations or agencies and also cooperatives and other nonprofit organizations, and so forth, as provided in the bill, if there is any excess power how is it to be disposed of?

Mr. BENTSEN. Under the reclamation law of 1939 and the other reclamation acts.

Mr. McCORMACK. Mr. Speaker, with the assurance there is no difference than under existing law, I withdraw my reservation of the objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the electric power and energy generated at Falcon Dam, an international storage reservoir project constructed on the Rio Grande pursuant to the treaty of February 3, 1944, between the United States and Mexico (treaty series 994), which is made available to the United States under the provisions of said treaty and under such special agreements as may be concluded between the two Governments pursuant to the provisions of said treaty and not required in the operation of such international project, all as determined by the Commissioner of the United States Section, International Boundary and Water Commission, shall be delivered to the Secretary of the Interior (hereinafter referred to as

the Secretary) who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power by the Secretary, in collaboration with the Secretary of State, over a reasonable period of years. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said project available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

SEC. 2. All receipts from the sale of electric power and energy disposed of by the Secretary pursuant to this act shall be covered into the Treasury of the United States to the credit of miscellaneous receipts as shall also moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with article 19 of the said treaty.

SEC. 3. The Secretary is authorized to perform any and all acts, including the acquisition of rights and property, and to enter into such agreements as may be appropriate for the purpose of carrying out the provisions of this act applicable to him; and with respect to construction and supply contracts and the acquisition, exchange, and disposition of lands and other property, and the relocation thereof, the Secretary shall have the same authority which he has under sections 12 and 14 of the Reclamation Project Act of 1939.

With the following committee amendment:

Page 2, lines 17 and 18, strike the words "Preference in the sale of such power and energy shall be given to public bodies and cooperatives," and insert in lieu thereof: "Preference in the sale or lease of such electric power and energy shall be given to municipalities and other public corporations or agencies; and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936 and any amendments thereof."

Mr. MILLER of Nebraska. Mr. Speaker, Senate bill 3090 is similar to the House bill and spells out the power preference clause. The Senate bill was reported out unanimously. I would ask unanimous consent to substitute the bill S. 3090 for the bill H. R. 8328.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the electric power and energy generated at Falcon Dam, an international storage reservoir project constructed on the Rio Grande pursuant to the treaty of February 3, 1944, between the United States and Mexico (Treaty Series 994),

which is made available to the United States under the provisions of said treaty and under such special agreements as may be concluded between the two Governments pursuant to the provisions of said treaty and not required in the operation of such international project, all as determined by the Commissioner of the United States Section, International Boundary and Water Commission, shall be delivered to the Secretary of the Interior (hereinafter referred to as the Secretary) who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the project) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power by the Secretary, in collaboration with the Secretary of State, over a reasonable period of years. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said project available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

SEC. 2. All receipts from the sale of electric power and energy disposed of by the Secretary pursuant to this act shall be covered into the Treasury of the United States to the credit of miscellaneous receipts as shall also moneys received from the Government of Mexico for any energy which might be delivered to that Government by the United States Section of the International Boundary and Water Commission pursuant to any special agreement concluded in accordance with article 19 of the said treaty.

SEC. 3. The Secretary is authorized to perform any and all acts, including the acquisition of rights and property, and to enter into such agreements as may be appropriate for the purpose of carrying out the provisions of this act applicable to him; and with respect to construction and supply contracts and the acquisition, exchange, and disposition of lands and other property, and the relocation thereof, the Secretary shall have the same authority which he has under section 12 and 14 of the Reclamation Project Act of 1939.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the bill H. R. 8328 was laid on the table.

ERECTION OF MEMORIAL GIFT FROM THE PEOPLE OF THE NETHERLANDS

The Clerk called the resolution (H. J. Res. 356) authorizing the Secretary of the Interior to authorize erection of a memorial gift from the people of the Netherlands.

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Interior is authorized to grant authority to the Government of the Netherlands to erect a memorial carillon tower and install carillon bells on public ground under the administration of the Secretary of the Interior, as a gift to the people of the United States from

the people of the Netherlands in gratitude for the generosity of the people of the United States for the aid and assistance rendered to the people of the Netherlands in times of national emergency.

SEC. 2. The design and site of such memorial shall be approved by the Secretary of the Interior, and the National Capital Planning Commission, and the United States shall be put to no expense in or by the erection of this memorial.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within 5 years after the date of the passage of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

With the following committee amendment:

Page 1, lines 3 and 4, strike the words "That the Secretary of the Interior is authorized to grant authority to the Government of the Netherlands" and insert in lieu thereof the words "That the Government of the Netherlands is authorized."

Page 2, lines 1 and 2, strike the words "and the National Capital Planning Commission."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the resolution was amended so as to read: "Joint resolution authorizing the erection of a memorial gift from the people of the Netherlands."

A motion to reconsider was laid on the table.

TO GRANT CERTAIN APPEALS BY THE UNITED STATES

The Clerk called the bill (H. R. 7404) to amend section 3731 of title 18 of the United States Code relating to appeals by the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3731 of title 18 of the United States Code is amended by inserting after the fifth paragraph of such section (relating to appeal by the United States from the district courts to a court of appeals) the following new paragraph:

"From a decision sustaining a motion to suppress evidence, when the defendant has not been put in jeopardy."

With the following committee amendment:

On page 1, line 8, strike out the comma and the words "when the defendant has not been put in jeopardy."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALE OF IMPROVEMENTS ON NATIONAL FOREST LAND IN ARIZONA

The Clerk called the bill (S. 1399) to authorize the Secretary of Agriculture to sell certain improvements on national forest land in Arizona to the Salt River Valley Water Users Association, and for other purposes.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued June 10, 1954
For actions of June 9, 1954
83rd-2nd, No. 106

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HIGHLIGHTS: House passed O&C land jurisdiction bill. House committees reported bills to dispose of surplus commodities and to authorize Colo. réclamation project. House debated Labor-HEN appropriation bill. Senate concurred in House amendments to bill to increase excess-tobacco penalty. Senate committees reported State, Justice, Commerce appropriation bill. Sen. Beall defended Secretary's price-support program. Sen. Gillette criticized leadership for not acting sooner on trade-agreements bill, and Sen. Ferguson took issue with him. Sen. Thye inserted his recent speech discussing use of surplus commodities.

HOUSE

1. FORESTRY. Passed without amendment S. 2225, relating to administrative jurisdiction over certain O&C land in Oreg. (pp. 7539-41). This bill will now be sent to the President. The bill provides for continued administration of the controverted lands by the Forest Service, with accounting of funds heretofore or hereafter received to be the same as for other O&C land receipts, and provides for consolidation of the checker-board administrative areas through exchanges of land by the Agriculture and Interior Departments.
2. SURPLUS COMMODITIES. The Agriculture Committee reported with amendment S. 2475, to authorize the President to use agricultural commodities to improve the foreign relations of the U. S. (H. Rept. 1776)(p. 7552).
3. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4449, to authorize Interior to construct, operate, and maintain the Colorado River storage project and participating projects (H. Rept. 1774)(p. 7552).
4. LABOR-HEN APPROPRIATION BILL, 1955. Continued debate on this bill, H. R. 9447 (pp. 7505-39). Agreed to an amendment by Rep. Abbitt to increase by \$5,298,750 the amount for vocational education, particularly in agriculture (pp. 7516-32). Rejected, 77-81, an amendment by Rep. Van Zandt to provide \$100,000, under Bureau of Labor Standards, for assisting organizations that work to improve the condition of migratory farm workers (pp. 7505-10).
5. LEGISLATIVE PROGRAM. Rep. Halleck said debate would continue on the Labor-HEN

appropriation bill
/today and that the trade-agreements bill will be considered Friday (p. 7541).

SENATE

6. TOBACCO QUOTAS. Concurred in the House amendments to S. 3050, to increase the penalty on marketing tobacco in excess of quotas from 40% to 50% of the average market price, effective July 1, 1955 (pp. 7498-9). This bill will now be sent to the President.
7. STATE, JUSTICE, COMMERCE APPROPRIATION BILL, 1955. The Appropriations Committee reported with amendments this bill, H. R. 8067 (S. Rept. 1541)(p. 7458).
8. MOTOR VEHICLES; PROPERTY; EXTENSION WORK. The Government Operations Committee reported without amendment S. 3199, to authorize additional use of Government motor vehicles at isolated Government installations (S. Rept. 1536); S. 3243, to extend until June 30, 1955, the period during which disposals of surplus property may be made by negotiation (S. Rept. 1537); and H. J. Res. 300, to sell certain surplus land in Kerr County, Tex., to the Texas Hill County Development Foundation for use of 4-H clubs, etc. (S. Rept. 1538)(p. 7458).
8. PERSONNEL; EXPENDITURES. Sen. Byrd inserted an additional report of the Joint Committee on Reduction of Nonessential Federal Expenditures regarding employment (pp. 7458-61).
9. TRADE AGREEMENTS. Sen. Gillette spoke in favor of continuation of the Reciprocal Trade Agreements Act and criticized the Republican leadership for not acting sooner on this matter. Sen. Ferguson took issue with him on this and stated that no hardship would result if the Act is not extended prior to its expiration. (pp. 7464-7.)
10. PRICE SUPPORTS. Sen. Beall defended Secretary Benson's flexible price-support program and outlined the various farm and other organizations which participated in its development (p. 7487).
11. CONTAINERS. The Interstate and Foreign Commerce Committee ordered reported (but did not actually report) H. R. 8357, to amend the Standard Container Act to provide for a 3/8 bushel basket (p. D654).
12. TAXATION. The Finance Committee completed marking up H. R. 8300, the general tax revision bill, following which it was announced that the Committee had taken further tentative actions with respect to provisions of the House-passed version, including Sec. 175 on soil-water conservation expenditures, as follows: "The committee reconsidered this provision and decided to make it applicable in the case of certain special assessment expenditures of the taxpayer for water conservation" (pp. D652-4).
13. LAND TRANSFER. H.R. 3097, to donate the USDA Grape Station at Oakville Calif., to the Univ. of Calif., was made the Senate's unfinished business (p. 7500).
14. ADJOURNED until Fri., June 11 (p. 7502). The Legislative Program as announced by Majority Leader Knowland: Fri., it is expected that the unfinished business will be laid aside and the State, Justice, Commerce appropriation bill will be considered (p. 7502).

Mr. FOGARTY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOGARTY: Page 17, line 6, strike out "\$21,000,000" and insert in lieu thereof "\$23,000,000"; and in line 7 strike out "\$160,000" and in lieu thereof insert "\$195,000."

Mr. FOGARTY. Mr. Chairman, all this amendment does is restore the funds we had available in this fiscal year of 1954. If this amendment is agreed to, we will then be guaranteeing the physically handicapped that they will have as much in 1955 as they had in 1954. That is all it does.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read down to and including page 18, line 14.

Mr. BUSBEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NICHOLSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9447) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related independent agencies, for the fiscal year ending June 30, 1955, and for other purposes, had come to no resolution thereon.

GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

Mr. SIKES. Mr. Speaker, before this bill is passed, I want to remind the House of a serious weakness in the provisions pertaining to grants to States for unemployment compensation and employment-service administration.

For grants to States for unemployment compensation and employment service administration, the President requested \$216.4 million, made up of \$210.4 million basic and \$6 million contingency. The House Appropriations Committee accepted the total of \$216.4 million, but altered the distribution between basic and contingency. The committee recommended \$200 million basic and \$16.4 million contingency.

The committee stated that the \$200 million basic would be adequate to finance a workload equivalent to the workload experienced in 1954. The States will spend about \$202 million in 1954. The surface impression is that, since the States will perform their 1954 workloads for \$202 million, the \$200 million basic recommended by the House committee should be adequate to finance the same workloads in 1955. The facts are, however, that if the 1954 workload had been completely paid for the States would spend this year about \$217 million. The appropriation for grants was drastically reduced in 1954, and the States have simply had to absorb a great part of their costs, through reductions in pro-

gram and in the quality of performance. The House committee action will prevent any restoration in program or quality of operation. The employment service will be particularly affected at a time when every effort should be made to strengthen and improve the process of getting workers in jobs. With the amount of funds available, it is almost certain that complaints on the lag in the payment of benefits that have been made in large numbers during the past year, will continue. At the same time plans to improve operations in the area of improper benefit payments and the stepping up of the field auditing of employers' accounts will not be realizable.

In addition, the House committee refused to permit the use of the contingency fund to pay the costs of general State salary increases. Any such increases in 1955 will have to be absorbed in those States where such increases occur. The effect will be a further reduction in the amount of money available. The best estimate at this time is that the salary increases will amount to a cut of \$6.2 million, or 1,600 jobs.

I had hoped that these weaknesses would be corrected. There still is opportunity to do so before this bill becomes law, and I earnestly hope it will be done.

May I take this opportunity, also, to state that it is highly encouraging to note the action of the committee in adding funds in another section of the bill for vocational education and vocational rehabilitation. These are far reaching and very beneficial steps.

(Mr. SIKES asked and was given permission to revise and extend his remarks.)

SPECIAL ORDERS GRANTED

Mr. McCORMACK asked and was given permission to address the House for 10 minutes today, following the legislative program and the conclusion of special orders heretofore granted.

Mrs. ROGERS of Massachusetts asked and was given permission to address the House for 10 minutes today, following the legislative program and the conclusion of special orders heretofore granted.

COMMITTEE ON AGRICULTURE

Mr. HILL. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a report on Senate bill S. 2475.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

ADMINISTRATIVE JURISDICTION OF CERTAIN PUBLIC LANDS IN THE STATE OF OREGON

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2225) relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. WICKERSHAM. Mr. Speaker, reserving the right to object, and I make this reservation at the request of two of our former colleagues, I would like to ask the gentleman from Oregon [Mr. ELLSWORTH] a question. This measure is a followup and confirms a decision of the District of Columbia Circuit of the United States Court of Appeals on April 30, 1954, in which action A. W. Lafferty, a former Member of Congress, represented Clackamas County, Oreg., and others and won the decision. Is this correct?

Mr. ELLSWORTH. That is correct.

Mr. WICKERSHAM. Is it a fact that immediately after the said court of appeals decision, the Senate held hearings for 4 days and reported this bill favorably?

Mr. ELLSWORTH. That is correct.

Mr. WICKERSHAM. Is it a fact that this bill confirms the decision of the court of appeals which directed the payment of \$7 million or \$8 million to 18 Oregon counties, including Clackamas County, all of which 18 counties thereby benefiting by the action instituted by A. W. Lafferty, as attorney, and benefited from the said court decision? This is correct, is it not?

Mr. ELLSWORTH. That is correct.

Mr. WICKERSHAM. Can the gentleman assure me there is no timber grab and no land grab in this bill?

Mr. ELLSWORTH. I can assure the gentleman there is no land grab or timber grab. I assure the gentleman that the matter concerns only two Government departments and nobody else.

Mr. WICKERSHAM. I thank the gentleman.

Is it correct that if this bill is not passed today you have arranged for a rule on same?

Mr. ELLSWORTH. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. MILLER]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon and California Railroad land grant authorized by the act of July 25, 1866 (14 Stat. 239), as amended by the act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of United States against Oregon and California R. R. Co. (8 F. (2d) 645), which were included within the boundaries of national forests

by proclamations of the President of the United States issued under the dates of June 17, 1892, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are hereby declared to be revested Oregon and California railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules, and regulations applicable to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of title II of the act approved August 28, 1937 (50 Stat. 874) as hereby amended, and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this act shall affect revenues heretofore distributed. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(b) Subsection (a) of title II of the act approved August 28, 1937 (50 Stat. 874), is amended by adding at the end thereof the following proviso: "*Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county."

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within 2 years after the enactment of this act, to exchange administrative jurisdiction of revested Oregon and California railroad grant lands lying within the boundaries of any national forest or within 2 miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits or other existing rights: *Provided*, That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for herein shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this act are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall

be disposed of in accordance with the provisions of title II of the act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that act shall be applicable to the lands so designated in lieu of the lands described in section 1 of this act: *Provided, however*, That such designation shall not become effective until approved by the county court of the county in which the lands are located.

SEC. 4. For the purpose of carrying out the provisions of sections 2 and 3 of this act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 5958) was laid on the table.

PENDING LEGISLATION PERTAINING TO O. & C. LANDS

Mr. ELLSWORTH. Mr. Speaker, legislation pending in Congress having to do with the Oregon and California revested railroad grant lands, otherwise known as the O. & C. lands, is a bill which has as its principal purpose the settling of a dispute between the Department of Interior Bureau of Land Management and the Department of Agriculture Forest Service concerning the jurisdiction over some 462,000 acres in the O. & C. land area. Identical bills are pending in the House and Senate, sponsored by Congressman ELLSWORTH and Senator GUY CORDON, H. R. 5958 and S. 2258.

There is no O. & C. controversy in Congress. The pending legislation is approved by the two departments. The Bureau of the Budget finds no objection to it.

The O. & C. lands are lands granted by Congress in 1866 to the Oregon & California Railroad Co. consisting of every odd-numbered section of land then in the title of the Government lying in a strip 20 miles on each side of the proposed railroad right-of-way. The grant was similar to one of many made at about the same time for the purpose of encouraging railroad construction in the United States. The grant in the 20-mile strip is known as the place grant, but since there was considerable patented land in the place grant of a second strip 10 miles in width adjoining the place grant was set aside in which the railroad company had the right to select lands in odd numbered sections to indemnify it for lands in the place grants to which it could not have title. The lands in these two 10-mile strips were known as indemnity lands; in other words, lands set aside to indemnify the railroad company for lands unavailable to it in the place grant.

The railroad was built. Later the railroad company was discovered to have violated some of the terms of the grant. The violations were considered so serious that the United States brought an action in the Federal court to forfeit the entire unsold portion of the granted lands. The Supreme Court, however, held that the terms of the grant should be enforced by legislation not by judicial decree, but

did enjoin the railroad company from further disposition of the grant lands until Congress should have an opportunity to legislate.

Accordingly, Congress enacted on June 9, 1916, the Chamberlain-Ferris Act, generally known as the Revestment Act. The language in that act said that title to the lands was revested in the United States to all of the unsold portion of the grant land for which patents had been issued to the railroad company or for which that company was entitled to receive patents.

Meanwhile the United States Forest Service was established. Vast acreages of timberlands were withdrawn from all other use and were placed in the forest reserve. Within the boundaries of the forest withdrawals in Oregon were not only some 500,000 acres of O. & C. lands which were patented by the railroad company but within those boundaries were also some 462,000 acres which were in the so-called indemnity strip but which had not actually been patented by the railroad company.

It is concerning this latter unpatented 462,000 acres that the dispute between the two departments arose. The Forest Service contended that since the withdrawal was made before the Revestment Act was passed and since the lands had not been patented by the railroad company before that they were Government lands and, therefore, subject to withdrawal. The Department of Interior O. & C. Administration contended, however, that the railroad company was entitled to patent those lands, had been paid for them, and that these lands therefore, were a part of the O. & C. grant and properly under the jurisdiction of the O. & C. Administration rather than the Forest Service.

What is now known as the O. & C. Administration in the Department of Interior was created by an act of Congress passed in 1937. This act corrected the destructive 10-year timber patent sale system provided in the Revestment Act by requiring that O. & C. timber must be managed on a sustained-yield basis. It set up the O. & C. Administration for the purpose of administering the lands on that basis and provided a new formula for the distribution of the receipts from the lands. Unfortunately, the 1937 act assumed that all lands, both in the place grant and in the indemnity strip to which the railroad company had acquired patent or was entitled to patent, were O. & C. lands and the act did not spell out in detail the status of the 462,000 acres over which the dispute arose.

When the dispute was taken by the departments to the Attorney General, he would give no opinion. It became necessary, therefore, for Congress to determine the status of the disputed lands.

Legislation for this purpose was first introduced by Senator McNary in 1942, and in subsequent Congresses. All of the bills bearing on this subject have been uniform in one respect. They have declared the disputed acreage to be a part of the O. & C. grant. The principal difference of opinion within the Government has been as to the actual physical management of the lands. The bills now

pending represent a compromise on that point. It is now proposed that since the Forest Service has always administered these lands that it continue to do so. In all other ways, however, the lands are to be considered O. & C. area, which means that the money distribution formula for receipts from the O. & C. lands as set out in the act of 1937 will apply to the disputed area.

Since the dispute arose considerable amount of timber has been sold from the controverted lands. Money received from these sales has been accumulated and held in suspense in the Treasury pending settlement of the dispute by Congress. This sum is now reported to be approximately \$7 million. If and when the above-mentioned legislation is passed, this money can and will be distributed in accordance with the formula set out in the act of 1937. Both the Department of the Interior and the Department of Agriculture have sent reports to Congress recommending the passage of the pending bills. The House Committee on Interior and Insular Affairs last year held hearings on the House bill but delayed making its report to the House until the Department recommendations were received.

Not only does the pending legislation settle the dispute regarding the 462,000 acres of land, but it provides for the elimination of the checkerboard pattern caused by the intermingling O. & C. and Forest Service lands not only with respect to the 500,000 acres of O. & C. land lying within the national forest boundaries, but also the intermingled 462,000 disputed acres. The bill provides that the Forest Service and the Bureau of Land Management will exchange the intermingled sections so that each will administer solid blocks of area. The checkerboard pattern will thereby be eliminated.

It should be noted in this discussion that such problems as involved have only to do with land owned by the United States Government. The interests of individuals or companies who own timber are in no way involved. Private owners are not concerned with and have taken no personal interest in this problem. Any statement or implication to the effect that special interests or that any private interests at all are in any way involved in this legislation are sheer nonsense.

Any statement or implication that the State of Oregon would be adversely affected by this legislation is not only sheer nonsense but the exact opposite is true.

Any statement or implication that the State of Oregon can and should have title to O. & C. lands is absurd for the reason that the lands were Government property before the grant was made to the railroad and were taken back by the Government when the railroad company defaulted. The State of Oregon when it was admitted to the Union was given the same equitable treatment as all of the other Pacific Northwest States and it is sheer imagination to think that the Congress would at this late date convey to Oregon the valuable 2½ million acres in the O. & C. revested grant.

Hon. GUY CORDON, senior United States Senator from Oregon, was one of the attorneys who took part in the early litigation and helped in the passage of the congressional enactments which resulted in the claim of the counties for payment in lieu of taxes being recognized. For many years Senator CORDON, an attorney in Roseburg, was the legal representative of the Oregon land grant counties. It was largely through his efforts that the earlier sale and destructive cutting practices on the O. & C. lands were eliminated by the O. & C. Sustained Yield Act of 1937. He was a principal author of that act and assisted Senator McNary in securing its passage. It was he who prepared the first bill for the settlement of the departmental dispute which arose after the passage of the 1937 act. Since he was first appointed to the United States Senate in 1944, Senator CORDON has worked unceasingly toward securing the passage of legislation which would settle this troublesome disagreement. During his entire long and intimate association with this problem, Senator CORDON has been working for and in the interests of the people of Oregon, both as an attorney employed by the counties of Oregon and now as a Member of the United States Senate.

Mr. GAVIN. Mr. Speaker, I want to congratulate my good friend and distinguished colleague [Mr. ELLSWORTH], who so ably represents his State, on introducing legislation which will do much to facilitate the administration and use of the national forests in the southwestern part of his great State of Oregon. It also clears up much of the difficulties and indecision that surrounds the administration of the controverted Oregon & California Railroad grant lands. That this is good legislation is demonstrated by the Senate's action of May 20, when that distinguished body, after some deliberation, passed the bill as it is now being presented to the House.

H. R. 5958, Mr. ELLSWORTH's bill, has the full support of the Secretary of Agriculture, the Secretary of the Interior, the Director of the Bureau of the Budget, and from the standpoint of the program of the President there are no objections to this proposed legislation. Both the Federal Bureaus involved—the United States Forest Service and the Bureau of Land Management—recognized that this legislation will make their administrative tasks easier, prevent overlapping and duplication of effort, and result in better use of the resources of timber, land, and water that are involved. I understand also that the bill has overwhelming local support by the counties affected and that it will clear up long-standing uncertainties regarding payments of receipts from the sale of timber.

I will not go into the details of this legislation, since my distinguished colleague from Oregon is much better informed on its ramification and specific provisions. I do know, however, that in general it will definitely place the administration of the controverted Oregon & California Railroad grant land in the hands of the United States Forest Service, where it has been since 1907.

It also provides for the exchange between the Forest Service and the Bureau of Land Management certain noncontroverted Oregon and California lands now occurring in alternate sections within the national forests in southwestern Oregon. In a word, it will eliminate the present checkerboard pattern of administrative jurisdiction and give the Forest Service and the Bureau of Land Management complete blocks of land to administer—in this manner duplication of effort is eliminated and there will be increased efficiency in the management of these Federal lands.

You gentlemen know that when any legislation evolves affecting the welfare or management of our national forests I pursue it with a great deal of interest. I have inquired into H. R. 5958 and find that it is sound legislation. The effectiveness and efficiency of our national forests and other Federal lands in southwestern Oregon will be improved by its passage.

LEGISLATIVE PROGRAM

(Mr. HALLECK asked and was given permission to address the House for 1 minute.)

Mr. HALLECK. Mr. Speaker, I have asked for this time to announce that we will come in tomorrow at 12 o'clock and conclude action on the pending appropriation bill. A number of Members must leave before 3 or 4 o'clock. I am certain the pending bill can be disposed of within an hour or two tomorrow. Under the arrangement previously entered into, if there had been a rollcall vote on the bill it would have had to go over until tomorrow in any event.

It is hoped that on Thursday the Ways and Means Committee will report out the extension of the Reciprocal Trade Agreements Act, and if a rule is granted we will expect to call that measure up for action on Friday.

CORRECTION OF RECORD

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to correct an error in the CONGRESSIONAL RECORD under date of June 2, 1954, page A4128, column 3, line 4. The words "Kansas State College at Emporia" should be changed to read "Kansas State College at Manhattan."

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

EXTENSION OF REMARKS

Mr. ELLSWORTH asked and was given permission to extend his remarks following the action taken on the bill S. 2225.

Mr. GAVIN (at the request of Mr. ELLSWORTH) was given permission to extend his remarks immediately following the remarks of Mr. ELLSWORTH.

INDOCHINA

The SPEAKER. Under previous order of the House, the gentleman from Mas-

sachusetts [Mr. McCORMACK] is recognized for 10 minutes.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I am about to make and to include as part of my remarks excerpts from General Romulo's address before the University of Portland, and his address before the University of Seattle when he was conferred the degree of doctor of laws in both universities on May 30 and June 1, 1954, respectively, together with the citation of General Romulo by the University of Seattle, to show in what regard the Filipino leader is held here.

The SPEAKER. Is there objection? There was no objection.

Mr. McCORMACK. Mr. Speaker, the situation and developments in southeast Asia are of great importance to the free world and there is no question but that a crisis is now taking place in that part of the world.

We have witnessed the intense and concentrated propaganda drive of the Communists at Geneva, and elsewhere, accusing the United States of colonial aggression in Asia and, unfortunately, it has had its effect.

The news dispatches from Hanoi and from Indochina in general are getting more alarming each day. Since the fall of Dien Bien Phu, the Communist hordes have been advancing relentlessly and Hanoi appears to be in danger. While from a military angle the fall of Hanoi may not be all-important or fatal, from a psychological angle it would be crucial and in the eyes of Asia, and its people, would be of far-reaching significance.

There is no question of the importance of Indochina to the free world in its fight against communism. The loss of Indochina would have repercussions that would shake the faith of the people of Asia and those of the western countries. The strategic importance of Indochina is shown by the fact that 6 months before the Japanese launched their attack in the Second World War, they first invaded French Indochina. An examination of the reason for this shows that the Japanese did it because French Indochina is the rice bowl of Asia and most of the countries in Asia depend for their food supply on Indochina. While Japan needed rice, and with Indochina's rice in their possession they could feed their troops and their people, at the same time with Indochina in their possession they could starve the rest of Asia, that Japan was then determined to conquer and make their efforts in this respect much easier.

The same situation exists today. At this time one of the main problems of Red China is how to feed the millions of empty stomachs in continental China. If the Communists succeed in conquering Indochina, Red China will then have the rice supply it needs to feed its troops and hungry millions. That is one of the main reasons why the Communists are now concentrating in Indochina. In addition, other countries would be affected and influenced by the ability of Red China to deny rice to their people.

It is apparent that something affirmative must be done to win Asians to our

side. We all remember that President Roosevelt, in a critical hour during the Second World War, in order to galvanize the Western peoples into action and weld them together to fight nazism and fascism, made the dramatic move of drafting the Atlantic Charter, guaranteeing the four freedoms for all those fighting nazism and fascism. We need some such dramatic gesture now to win the Asian faith and confidence. Mr. Speaker, we can imagine the tremendous effect that this move will have on the peoples of Asia. With Pravda and Izvestia and all other propaganda weapons of the Soviet Union, and the Peiping, driving and driving into Asian ears daily that America is an imperialistic country, that the American people are favoring colonial aggression in Asia, and that we are against freedom in Asia, and then for the Asians to suddenly witness the President of the United States inviting, and later seated at the conference table with, their own leaders on a basis of equality, drafting a charter guaranteeing their freedom, that will be the best proof of our sincerity and the most effective way of showing it to our Asian friends. It would put the Malenkovs and Molotovs and other Soviet leaders in a disadvantageous position. They will be on the outside looking in. It would be the most effective way to meet their propaganda and the affirmative way to instill into the minds of people of Asia who want liberty and freedom the honorable intentions of the United States. What more effective picture can we convey to them than that of America signing with the other Asia nations a charter of freedom for the people of Asia?

Instead of the current five-power military talks now going on in Washington, which only serves to alienate our Asian brothers, let us follow the suggestion that comes from an Asian leader who also has suggested the meeting at conference that I have already referred to. Gen. Carlos P. Romulo, former president of the United Nations, and who has made these suggestions in recent speeches made by him. There is no question of the loyalty of General Romulo to democratic government. I agree with him that it is a mistake, a serious mistake, to have these five-power military talks now. All of those present consist of representatives of western countries without a single Asian country represented. The Philippine Islands certainly showed its loyalty at Bataan and Corregidor and its heroic resistance movement, and in many other ways. Its President, Ramon Magsaysay, has successfully combated communism in his own country, and we can learn a lot from him on how to fight communism effectively. Why are not the Philippines included in the talks? Why is not Thailand? They should at once be invited to attend and participate in these talks.

These suggestions are affirmative. They will appeal to those in southeast Asia and, in my opinion, receive a prompt and favorable response.

The Government of the Philippines and of Thailand should be invited at once to send representatives to the military talks now taking place. From a

military angle this should be done. From a psychological angle it is of vital importance. In connection with the other suggestion, may I say that time is passing rapidly. If action along such lines is taken, it should be done immediately. Such actions will effectively counter the Communist charge of American colonial aggression in Asia, and put the Communists on the defensive.

AN ATLANTIC CHARTER FOR ASIA

(Excerpts of an address delivered by Gen. Carlos P. Romulo, former president of the General Assembly of the United Nations, upon accepting the degree of doctor of laws honoris causa from the University of Portland, Oreg., May 30, 1954)

We of the free world are confronted by a fact, not a theory. Communism is relentlessly advancing in southeast Asia. The unvarnished truth is that we are in the midst of a crisis—and it is a serious one.

Here are my personal views and I offer them for what they are worth:

THE PROBLEM

To have an idea of the real nature and dimension of the problem, it would be useful to know first what the problem is not.

The problem is not to negotiate for a modus vivendi with communism in southeast Asia. It is not to secure a pledge from the Communists that they will stop threatening peoples and subverting governments in the region. It is not to beg them to abandon their plans of territorial expansion and world domination.

The problem, in plain, unadorned terms is: To stop communism in its tracks by a convincing show of power—if necessary, by an actual application of force—and to do so with the consent and cooperation of the southeast Asian peoples concerned.

THE BATTLEFRONTS

Each separate aspect of the problem should be dealt with, having this one real objective in mind.

In Geneva, the free world must seize the initiative and make certain that there will be no sellout of the Republic of Korea, that Viet Nam will not be another Korea, and the Geneva Conference will not be a second Munich. It is clear that neither Moscow nor Peiping went to Geneva in hopes of a just and peaceful settlement, but for the sole purpose of confusing and dividing the countries of the free world. The Eden suggestion of a partition of Viet Nam has encouraged the Communists to suggest that non-existent dissident regimes in Laos and Cambodia be also recognized. The Churchill insistence that the possibilities of negotiation in Geneva be exhausted before attempting to forge an alliance in southeast Asia has encouraged a Communist filibuster in Geneva. Meanwhile, the Communists are rejoicing over the division among the western allies, and while pushing the military campaign in Viet Nam, seem pleased to see Mr. Eden play the role of another Chamberlain at Munich. In Geneva we should make it clear that we are not going to stand for such Communist tactics much longer. We should indicate our determination to consider the conference at an end unless the Communists show a desire shortly to reach a just and peaceful settlement.

In Washington, the President of the United States, as the leader of the free world, should issue a statement expressing his desire to meet with the Prime Ministers of India, Pakistan, Indonesia, Ceylon, Burma, and Thailand, and the President of the Philippines in order to frame a southeast Asia Declaration, similar to the Atlantic Charter. It would be far better to base an American approach to the countries of southeast Asia on the need to guarantee the enjoyment of

Public Law 426 - 83d Congress
Chapter 357 - 2d Session
S. 2225

AN ACT

Relating to the administrative jurisdiction of certain public lands in the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) those unselected and unpatented odd-numbered sections within the indemnity-limits of the Oregon and California Railroad land grant authorized by the Act of July 25, 1866 (14 Stat. 239), as amended by the Act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the Act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of United States against Oregon and California R. R. Co. (8 F. (2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the dates of June 17, 1892, September 28, 1893, October 5, 1906, January 25, 1907, March 1, 1907, and March 2, 1907, are hereby declared to be revested Oregon and California railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules, and regulations applicable to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of title II of the Act approved August 28, 1937 (50 Stat. 874) as hereby amended, and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this Act shall affect revenues heretofore distributed. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(b) Subsection (a) of title II of the Act approved August 28, 1937 (50 Stat. 874), is amended by adding at the end thereof the following proviso: “: *Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county”.

SEC. 2. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within two years after the enactment of this Act, to exchange administrative jurisdiction of revested Oregon and California railroad grant lands lying within the boundaries of any national forest or within two miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits or other existing rights: *Provided*, That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for

Oregon public
land jurisdiction.
Revested Oreg. and
Calif. R.R. grant.

National-forest
lands.

27 Stat. 1027;
28 Stat. 1243;
34 Stat. 3239,
3270, 3280, 3300.

Revenues.

68 Stat. 270.
68 Stat. 271.

50 Stat. 875.
43 USC 1181f.

County payments.

Administrative
exchanges.

Equal value.

the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for herein shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this Act are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the Act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that Act shall be applicable to the lands so designated in lieu of the lands described in section 1 of this Act: *Provided, however,* That such designation shall not become effective until approved by the county court of the county in which the lands are located.

SEC. 4. For the purpose of carrying out the provisions of sections 2 and 3 of this Act there are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

Approved June 24, 1954.

Publication in
FR.
Lands in lieu
of certain
national
forest land.
Publication in
FR.

43 USC 1181f.

Approval.

Appropriations.

68 Stat. 271.

68 Stat. 272.